

CHAPTER 14

ZONING

ARTICLE 14.01 GENERAL PROVISIONS^{*}

Sec. 14.01.001 Zoning fees

Zoning fees and charges shall be as provided for in the fee schedule found in [appendix A](#) of this code. All fees and permit charges are payable at the time of application unless other [otherwise provided] on the fee schedule. (2000 Code, art. 12.100)

ARTICLE 14.02 ZONING ORDINANCE[†]

Sec. 14.02.001 Adopted

The comprehensive zoning ordinance, Ordinance 2002-04, adopted by the city on November 19, 2001, as amended, previously published as [chapter 12, exhibit A](#), in the 2000 Code of Ordinances, and as subsequently amended, is included at the end of this chapter as [exhibit A](#). Due to the nature of the zoning ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as it appeared in the 2000 Code of Ordinances, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as printed in the 2000 Code. The source of each section is denoted by a history note following the amended section. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance adopting Code)

EXHIBIT A

ZONING ORDINANCE

ORDINANCE 2002-04
CITY OF OAK POINT, TEXAS
ZONING ORDINANCE

[Sec.] I. Enacting clause.

An Ordinance Amending the Code of Ordinances Chapter 12, Exhibit A (Ordinance 270, as Amended), the Zoning Ordinance of the City of Oak Point, Texas, by Revising and Adopting: Administrative Procedures - Setting Forth a Zoning Map, District Boundaries, Regulations Regarding Compliance, Extension to Extraterritorial Jurisdiction, Interpretation, Construction of Document, and Annexed or Unclassified Areas; Establishing Districts, Regulations and Special Use Permits; Providing Construction Standards; Providing Yards and Service Area Regulations; Providing Accessory Structures and Uses Regulations; Providing Parking Regulations; Providing Site Plan Requirements; Providing Screening, Landscaping and Open Space Regulations; Providing Signage Regulations; Providing for Certificate of Occupancy and Related Regulations; Providing Special Regulations; Providing Nonconforming Uses

and Structures Regulations; Providing Procedures for Amendments and Zoning Changes; Enabling a Board of Adjustment; Providing Definitions; Providing a Zoning Map; Providing a Table of Uses; Providing a Schedule of Fees in Compliance with the Code of Ordinances of the City of Oak Point; Providing a Penalty for Violations Thereof; Providing a Savings Clause; Providing a Severability Clause; Providing a Repealer Clause; Providing for Engrossment and Enrollment; Providing for Publication; and Providing an Effective Date. (Ordinance 2002-04 adopted 11/19/01)

[Sec.] II. Title.

This ordinance shall be known as and may be cited or referred to as the “Zoning Ordinance of the City of Oak Point, Texas” or the “Zoning Ordinance.” (Ordinance 2002-04 adopted 11/19/01)

[Sec.] III. Purpose.

The zoning regulations and districts herein established are in conformance with the Comprehensive Plan and have been made for the purpose of promoting the health, safety, morals, and general welfare of the City. They have been designed to lessen congestion in the streets, to secure from fire, panic and other dangers, to provide an adequate quality of light and air, to prevent overcrowding of lands, to avoid undue concentration of population, [and] to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, of the character of the area and its peculiar suitability for the particular uses, and with a view of preserving the value of buildings and property and encouraging the most appropriate use of land throughout the community. (Ordinance 2002-04 adopted 11/19/01)

[Sec.] IV. Administration.

A. Zoning Map. The boundaries of zoning districts set out herein are delineated upon a Zoning Map (attached hereto as [Appendix A](#)) which shall be considered adopted as part of this ordinance as fully as if the same were set forth here in detail.

One original of the Zoning Map shall be filed in the office of the City Manager. This copy shall be the official Zoning Map and shall bear the signature of the Mayor as attested by the City Manager. This copy shall not be changed, altered, or adjusted in any manner except by ordinance. In case of any question, this map, together with amending ordinances, shall be controlling. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters, the same shall be portrayed on the Zoning Map promptly after the amendment has been approved by the City Council.

If in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters, the same shall be portrayed on the Zoning Map promptly after the amendment has been approved by the City Council.

B. District Boundaries. The district boundary lines shown on the Zoning Map are usually along streets, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of rights-of-way shall be construed

to follow such centerline.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, lakes, or other bodies of water shall be construed to follow such centerline, and in the event of change in the centerline, shall be construed to move with such centerline.
5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1–4 above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
6. Whenever any street or other public right-of-way is vacated by action of the City Council or whenever such area is franchised for building purposes, any district boundaries adjoining the right-of-way shall be extended to the centerline of such vacated right-of-way and all areas so involved shall then and henceforth be subject to all regulations in the extended districts.
7. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street, unless as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
8. Where physical features on the ground are at variance with information shown on the Zoning Map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections A through G [1. through 7.], the property shall be considered classified as PD, Planned Development, in accordance with the provisions of this ordinance regarding Annexed or Unclassified Areas.

C. Compliance. All land, buildings, structures or appurtenances thereon located within the city limits of the City of Oak Point, Texas, which are hereafter occupied, used, erected, altered, removed, placed, demolished, or converted, shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided or be subject to the penalty provisions of this ordinance. Existing structures shall be considered nonconforming uses and need only comply with the applicable provisions of [Sections XI](#) and [XII](#) of this ordinance unless the type of use is changed or there is significant alteration to the structure. This Ordinance shall not invalidate any unexpired building permits properly issued prior to the effective date of this Ordinance; provided, however, that if any building or structure constructed or use established pursuant to such building permit does not comply with the provisions of this Ordinance, such building, structure or use shall be subject to the provisions of

[Sections XI](#) and [XII](#).

D. Interpretation.

1. Where the regulations imposed herein are more or less restrictive than comparable conditions imposed by any other provision or any other applicable law, ordinance, resolution, covenants, deed restrictions, rules or regulations of any kind, the regulations which are more restrictive and impose higher standards are the requirements that shall govern, and shall be enforced by the restricting entity.
2. The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the regulations which are more restrictive and impose higher standards are the regulations that shall govern.
3. The provisions of these regulations are in addition to all other laws and ordinances heretofore passed or which may be passed hereafter which govern any subject matter set forth in the provisions of these regulations, with exception of those ordinances specifically repealed under the provisions of this ordinance.

E. Construction of Document. The language set forth in these regulations shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and future tenses and the future the present.
3. The word "shall" is mandatory, while the word "may" is permissive.
4. The masculine gender includes the feminine and neuter.
5. Any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as that word.

F. Annexed or Unclassified Areas. All territory hereinafter annexed to the City of Oak Point shall have the proper zoning placed on it in accordance with the comprehensive plan of the City and shall comply with all requirements for establishing a zoning district. After final hearing of annexation and on the same agenda as the final hearing of annexation, consideration of the proper zoning classification shall be heard. Properties that are not zoned after annexation shall be treated as being zoned RE-5, Single-Family Residential Estate District, until permanent zoning is established.

(Ordinance 2002-04 adopted 11/19/01; Ordinance 2005-01-2, sec. 2, adopted 1/17/05)

[Sec.] V. Establishment of districts.

A. General.

1. Establishment of Districts. The City of Oak Point is hereby divided into the following zoning districts. The districts listed below are hereby established and each district's use, height, area, and other

regulations shall be according to the provisions of this ordinance:

Designation Zoning District Name

A	Agricultural District - minimum greater than 5 acres
RE-5	Single-family Residential Estate District - minimum 5 acres
RE-3	Single-family Residential Estate District - minimum 3 acres
R1	Single-family Residential District - minimum 1 acre
R2	Single-family Residential District - minimum 22,000 sq. ft.
R3X	Single-family Residential District - minimum 15,000 sq. ft. (existing)
R4X	Single-family Residential District - minimum 10,000 sq. ft. (existing)
MHRX	Single-family Manufactured Housing Residential District - minimum 12,000 sq. ft.
NC	Neighborhood Commercial District
CC	Community Commercial District

PD Planned Development District

2. Identification of Zoning Types.

a. Residential:

1. A - Agricultural District - A residential district for the development of single-family dwelling units and agricultural uses such as the keeping of livestock, farming, gardening, and such incidental uses necessary for agricultural uses on lots greater than 5 acres.

2. RE-5 - Single-family Residential Estate District - A residential district for the development of detached single-family dwelling units on minimum 5-acre tracts.

3. RE-3 - Single-family Residential Estate District - A residential district for the development of detached single-family dwelling units on minimum 3-acre tracts.

4. R1 - Single-family Residential District - A residential district for the development of detached single-family dwelling units on minimum 1-acre tracts.

5. R2 - Single-family Residential District - A residential district for the development of detached single-family dwelling units on minimum 22,000 sq. ft. lots.

6. R3X - Single-family Residential District - An existing residential district for the development of detached single-family dwelling units on minimum 15,000 sq. ft. lots.

7. R4X - Single-family Residential District - An existing residential district for the development of detached single-family dwelling units on minimum 10,000 sq. ft. lots.

8. MHRX - Single-family Manufactured Housing Residential District - An existing residential district for the placement of single-family HUD-Code Manufactured Housing dwelling units.

b. Commercial:

1. Neighborhood Commercial District - A commercial district for limited retail and services provided to nearby residential districts.

2. Community Commercial District - A commercial district for general retail and services provided to the community, but not including more intense commercial uses.

c. Planned Development: A general district intended to provide flexibility in defining zoning regulations for the development of a specific property as determined by an amending ordinance for each development, while ensuring the intent of this ordinance, existing land-use plans and the Comprehensive Plan are met.

3. Land Use.

a. Table of Permitted Uses - No land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for purposes other than those specified as permitted uses for the district in which the land is located, according to the [Table of](#)

[Permitted Uses - Appendix B](#) of this ordinance; except for PD Districts, for which allowed uses shall be specifically stated in the ordinance establishing the specific PD District.

b. New and Unlisted Uses - Uses that are not specified in the Table of Permitted Uses shall be considered unclassified uses under the appropriate zoning category (Residential or Commercial). Determination of the appropriate zoning category shall be made by the Planning and Zoning Commission.

4. Regulations. Permitted uses shall be in accordance with regulations for each specific district (Section V-B) and general regulations for all districts or a zoning category ([Sections VI–XV](#)).

B. District Regulations.

1. Single-family Residential Districts.

Single-Family Residential	A	RE-5	RE-3	R-1	R-2	R3X	R4X	MHRX
Minimum Lot Area	>> 5 acres	5 acres	3 acres	1 acre	22,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft.	12,000 sq. ft.
Minimum Dwelling Area	2,500 sq. ft.	2,500 sq. ft.	2,500 sq. ft.	2,500 sq. ft.	2,000 sq. ft.	1,500 sq. ft.	1,250 sq. ft.	1,250 sq. ft.
Minimum Lot Width	300 feet	300 feet	200 feet	130 feet	120 feet	80 feet	60 feet	120 feet
Minimum Lot Depth	400 feet	400 feet	300 feet	150 feet	140 feet	100 feet	100 feet	90 feet
Maximum Lot Coverage	20%	20%	20%	30%	30%	30%	30%	30%
Maximum Height	Note 1*	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	Note 2*
Minimum Front Yard	150 feet	60 feet	60 feet	45 feet	40 feet	30 feet	25 feet	25 feet
Minimum Side Yard	150 feet	40 feet	30 feet	20 feet	15 feet	10 feet	10 feet	10 feet
Minimum Rear Yard	150 feet	100 feet	100 feet	40 feet	30 feet	30 feet	30 feet	30 feet
Construction Standards	According to Section VI - Construction Standards							
Yards (additional regulations)	According to Section VII - Yards and Service Area Regulations							
Accessories	According to Section VIII - Accessory Structures and Uses In the Agricultural District, accessory structures may be permitted without a primary dwelling provided that the accessory building is used solely for agricultural purposes. Workshops, garages, or similar uses shall not be considered as agricultural							

	purposes.
Parking Regulations	According to Section IX - Parking Regulations
Screening, Landscaping, Open Spaces	According to Section XI - Screening, Landscaping and Open Space Regulations
Signage	According to Section XII - Signage Regulations Editor's note —See sec. 10.03.099 of the Code of Ordinances for signage regulations.
Special	According to Section XIV - Special Regulations
Permitted Uses	According to Appendix B - Table of Permitted Uses

Note 1: Two and one-half stories but not to exceed 35 feet for the main building/house. Agricultural structures (e.g. barns, silos, water towers, etc.) shall not exceed 35 feet unless approved by a special use permit. 15 feet for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.

Note 2: 18 feet for manufactured housing; 30 feet for non-manufactured housing.

2. Commercial Districts.

Commercial Districts	NC	CC
Minimum Lot Area	4 acres	8 acres
Maximum Lot Area	8 acres	12 acres
Maximum Floor Area Ratio	0.25/1	0.33/1
Minimum Lot Depth	250 feet	350 feet
Maximum Lot Depth	400 feet	600 feet
Minimum Lot Width	450 feet	550 feet
Maximum Primary Height	22 feet	35 feet
Maximum Feature Height	30 feet	35 feet
Maximum Lot Coverage	25%	40%

Minimum Front Yard	40 feet	40 feet
Minimum Side Yard	15 feet	25 feet
Minimum Rear Yard	20 feet	30 feet
Construction Standards	According to Section VI - Construction Standards	
Yards (additional regulations)	According to Section VII - Yards and Service Area Regulations	
Accessories	According to Section VIII - Accessory Structures and Uses	
Parking Regulations	According to Section IX - Parking Regulations	
Site Plan Requirements	According to Section X - Site Plan Requirements	
Screening, Landscaping, Open Space	According to Section XI - Screening, Landscaping and Open Space Regulations	
Signage	According to Section XII - Signage Regulations Editor's note —See sec. 10.03.099 of the Code of Ordinances for signage regulations.	
Special	According to Section XIV - Special Regulations	
Permitted Uses	According to Appendix B - Table of Permitted Uses	

C. [Special Use Permits](#). After meeting the administrative procedures under this section, the City Council may grant a Special Use Permit for otherwise unpermitted uses.

1. An application for Special Use Permit shall include:
 - a. The applicant's name and their interest in the subject property.
 - b. The owner's name and address, if different from the applicant, and the owner's signed consent to the filing of the application.
 - c. The street address and legal description of the property.
 - d. The zoning classification and present use of the property.
 - e. A statement as to why the proposed use will not cause substantial injury to the value, use or

enjoyment of other property in the neighborhood.

f. A scale drawing of all proposed and current buildings, screening, parking and traffic control for the site and any buildings or uses within 200 feet of the site.

g. Information regarding the size, height, and construction materials of any building to be placed on the site.

h. A description of intended use and relationship to surrounding uses.

2. All applications must be received at least 30 days prior to the Planning and Zoning Commission meeting. Review fees according to the Code of Ordinances of the City of Oak Point must be received with the application.

3. Both the Planning and Zoning Commission and City Council shall conduct a public hearing on the application for a Special Use Permit. Prior to making its report to the City Council, the Planning and Zoning Commission shall hold at least one public hearing on the application.

4. Before the 10th day before the date of the hearing conducted by the Planning and Zoning Commission, the owner (as indicated on the adopted property tax roll) of any property within 200 feet of the property shall be notified by first class US Mail of the public hearing. Each property owner within 500 feet shall be notified in the same manner when an application involves a platted single-family lot with zoning that specifies a minimum lot size of one acre or greater. Notice of the public hearing to be conducted by the City Council must be published in the City's official newspaper before the 15th day before the date of the hearing. Joint hearings before both the Planning and Zoning Commission and City Council are hereby authorized.

5. At least twenty-one (21) days prior to the date of the Planning and Zoning Commission's public hearing, the property owner or his/her representative shall place a sign(s) on the subject property to provide notification of the application. The sign(s) shall be placed on the property facing each adjacent street and each sign shall be placed within fifteen (15) feet of the front property line and be clearly legible from the adjacent street. The number of signs to be placed on the property shall be based on the following amounts amount of street frontage.

<u>Number of Signs</u>	<u>Amount of Street Frontage</u>
One (1) sign	Less than 500 feet
Two (2) signs	500 feet to 1,000 feet
Three (3) signs	Greater than 1,000 feet

The property owner or his/her representative shall maintain the sign(s) on the property until an ordinance approving the zoning is approved or the request is denied, at which time the owner or his/her

representative shall have five (5) business days to remove the sign from the property.

a. Properties within a platted single-family subdivision. The City will provide the appropriate number of zoning signs to the property owner. The property owner is responsible for posting the sign(s). In addition to paying a \$25 administrative fee, the property owner or his/her representative shall pay a deposit in an amount equal to the cost of each sign to be held by the City until the sign(s) are returned.

b. Owners of all properties other than properties within a platted single-family subdivision. The property owner or his/her representative is responsible for obtaining and posting the appropriate number of zoning signs designed in accordance with the City's standards.

6. If the application is protested in writing by the owners of at least 20 percent of either 1) the area of the lots or land covered by the proposed change or 2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area, the application must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the City Council.

7. In granting a Special Use Permit, the City Council may impose conditions which shall be complied with by the owner or grantee prior to or as a condition of issuance of a Certificate of Occupancy. These conditions shall be noted in writing as part of the Special Use Permit.

8. No building, premise, or land used under a Special Use Permit may be enlarged, modified, structurally altered, or otherwise significantly altered unless a separate Special Use Permit is granted for such.

9. Properties granted a Special Use Permit shall be noted on the Zoning Map by Ordinance designation. Ordinances approving Special Use Permits shall be included with this document in [Appendix D](#).

10. No special use permit shall be valid for more than one (1) year from the date on which the City Council grants the special use unless within such one (1) year period a building permit is obtained and the erection or alteration of a structure is started; or a use is commenced.

D. Planned Development District - PD.

Sec. 1. Intent. The Planned Development District ("PD") is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit growth flexibility in the use and design of land and buildings in situations where modification of specific provisions of this Zoning Ordinance is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood. A PD district may be used to permit new and innovative concepts in land utilization.

While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to ensure against misuse of the increased flexibility.

Sec. 2. Permitted Uses. Any use shall be permitted if such use is specified in the ordinance granting a

planned development district. The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this Zoning Ordinance.

Sec. 3. Development Requirements.

- A. Development requirements for each separate PD district shall be set forth in the ordinance granting the PD district and may include, but not be limited to, uses, density, lot area, lot width, lot depth, yard depths and widths, building size, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
- B. If uses in the PD district conform to the standards and regulations of the zoning district to which it is most similar, the particular district must be stated in the application. All applications to the city shall list all requested variances from the standard requirements set forth throughout this Zoning Ordinance. Applications without this list will be considered incomplete.
- C. The PD district shall conform to all other sections of the Zoning Ordinance, unless specifically excluded in the granting ordinance.
- D. The minimum acreage for a PD district request shall be five (5) acres for nonresidential development and ten (10) acres for residential development.
- E. For multifamily uses, a common open space shall be designated for the leisure and recreational use of the occupants. This requirement is in addition to the park land dedication requirement contained in the City's Subdivision Rules and Regulations. The open space shall be a minimum of 20% of the total land area devoted to the multifamily use. This requirement may be varied downward by the City Council when a lesser amount of open space would be more appropriate based on the density of the development, the installation of private recreational amenities, or where the availability and nature of adjacent public open space is such that a lesser amount would adequately accommodate the development.
- F. For nonresidential uses, a common open space shall be designated for the use of the occupants. This requirement is in addition to the park land dedication requirement contained in the City's Subdivision Rules and Regulations. The open space shall be a minimum of 10% of the total land area devoted to the nonresidential use. This requirement may be varied downward by the City Council when a lesser amount of open space would be more appropriate based on the density of the development, the installation of private recreational amenities, or where the availability and nature of adjacent public open space is such that a lesser amount would adequately accommodate the development.

Sec. 4. Approval Process. In establishing a PD district in accordance with this section, the City Council shall approve and file, as part of the amending ordinance, appropriate plans and standards for each PD district. During the review and public hearing process, the Planning and Zoning Commission and City Council shall require a conceptual plan and/or a detailed site plan.

A. Conceptual Plan: This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed PD district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.

(1) A conceptual plan for residential land use shall show general use, thoroughfares, and preliminary lot arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.

(2) A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the Planning and Zoning Commission or City Council, may include, but is not limited to, the types of use(s), topography and boundary of PD area, physical features of the site, existing streets, alleys and easements, location of future public facilities, building height and location, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final detailed site plan.

B. Detailed Site Plan: This plan shall set forth the final plans for development of the PD district and shall conform to the data presented and approved on the conceptual plan. Approval of the detailed site plan shall be the basis for issuance of a building permit. The detailed site plan may be submitted for the total area of the PD or for any section or part as approved on the conceptual plan. The detailed site plan must be submitted to the City Council upon recommendation of the Planning and Zoning Commission. The detailed site plan shall include:

(1) A site inventory analysis including a scale drawing showing existing vegetation, natural watercourses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any floodprone areas.

(2) A scale drawing showing any proposed public or private streets and alleys, building sites or lots, and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes, the points of ingress and egress from existing streets, general location and description of existing and proposed utility services including size of water and sewer mains, the location of all fire hydrants, the location and width for all curb cuts, and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract.

(3) A site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings, and between buildings and property lines, street lines and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.

(4) A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted.

(5) An architectural plan showing elevations and signage style to be used throughout the

development in all districts except single-family and two-family may be required by the Planning and Zoning Commission or City Council, if deemed appropriate.

(6) Any or all of the required information may be incorporated on a single drawing if one (1) drawing is clear and can be evaluated by the city manager or her designated representatives.

C. Supplemental data: All concept or detailed site plans may have supplemental data describing standards, schedules, or other data pertinent to the development of the PD district which is to be included in the text of the amending ordinance. Additional information needed to adequately analyze the development may be required by City staff, the Planning and Zoning Commission or the City Council.

Sec. 5. Establishment of District. The procedure for establishing a PD district shall follow the procedure for zoning amendments as set forth in the Code of Ordinances. This procedure is further expanded as follows for approval of conceptual and development plans:

A. Separate public hearings shall be held by the Planning and Zoning Commission and City Council for the approval of the conceptual plan and the detailed plan or any section of the detailed plan unless such requirement is waived by the City Council when it is determined a single public hearing is adequate. A single public hearing is adequate when:

(1) The applicant submits adequate data with the request for the PD district to fulfill the requirements for both plans.

(2) Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from this plan.

(3) The requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.

B. The ordinance establishing the PD district shall not be approved until the conceptual plan is approved unless the conceptual plan step is bypassed as allowed by the Zoning Ordinance.

(1) The detailed site plan may be approved in phases. When the detailed site plan is approved in phases, then separate approvals by the Planning and Zoning Commission and City Council for the initial and subsequent phases will be required. If the detailed site plan is approved in phases, a conceptual plan for the entire site shall be submitted to the City Council upon recommendation of the Planning and Zoning Commission.

Sec. 6. Staff Report. When a PD district is being considered, a written staff report shall be submitted to the Planning and Zoning Commission and City Council discussing the impact on planning, engineering, water utilities, the environment, electric, sanitation, building inspection, tax, police, fire, and traffic.

Sec. 7. Zoning Map. All PD districts approved in accordance with the provisions of this Zoning Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the zoning district map, and a list of such PD districts shall be maintained in the appendix of the Zoning Ordinance.

Sec. 8. Minor Amendments To A Detailed Plan. Upon request of the applicant, the city manager, or her

designee, may authorize minor amendments to a detailed site plan so long as such minor amendments do not change the land use or substantially change the character, development standards, or design of the development as shown on the approved detailed site plan. For purposes of this provision, a “substantial change” shall mean a change that will increase the number of proposed dwelling units, increase the floor-to-area ratio, size of structure, height, lot coverage, or number of stories or buildings, reduce lot, yard, or space size, decrease the amount of required off-street parking spaces, change types of buildings, setback, street access points, or lots, or increase density, change traffic patterns, or alter the basic relationship of the proposed development to adjacent properties. The city manager or her designee shall make such authorization only in writing, and such document shall be placed in the ordinance file governing the specific plan.

Sec. 9. Planned Development Ordinances Continued. Prior to adoption of this ordinance, the City Council had established various PD districts. The ordinances or parts of ordinances approved prior to this ordinance shall be carried forth in full force and effect and are the conditions, restrictions, regulations, and requirements which apply to the respective PD districts shown on the zoning map at the date of adoption of this ordinance.

(Ordinance 2002-04 adopted 11/19/01; Ordinance 2002-07 adopted 3/18/02; Ordinance 2005-01-1, sec. 2, adopted 1/17/05; Ordinance 2005-01-2, sec. 3, adopted 1/17/05; Ordinance 2005-12-03, sec. 2, adopted 12/19/05; Ordinance 2006-03-1, sec. 2, adopted 3/20/06; Ordinance 2006-12-4, sec. 2, adopted 12/18/06; Ordinance 2007-04-03 adopted 4/16/07; Ordinance 2011-03-319, sec. 2, adopted 3/21/11)

[Sec.] VI. Construction and Architectural Design Standards.

- A. All structures shall be permanently affixed to a standard foundation in accordance with applicable building codes adopted by the City.
- B. At time of construction or alteration, all main structures must have adequate utilities including: water, electric, refuse disposal, and sewerage (may be on site according to local, state and federal regulations).
- C. In all districts, no primary residential structure shall have exterior facades of metal construction.
- D. In all districts, the use of shakes or shingles of wood as roofing material is specifically prohibited.
- E. Exterior Construction Materials - The following masonry requirements shall govern, unless otherwise approved by a Special Use Permit. Masonry shall consist of brick, stone, or similar masonry unit-type materials as approved by the City Council.
 - 1. In single-family districts, the main structure shall be constructed of a minimum of 80% total masonry for all facades with no single facade having less than 75% masonry. Districts R3X, R4X, MHRX, and PD 1-4 are specifically exempted from this requirement. In these districts exterior building material must be compatible with existing structures in the same zoning classification.
 - 2. In all non-single-family districts, all exterior facades shall be constructed of masonry as their

primary construction material. Secondary construction materials may comprise up to 20% (not including the area of doors and windows) of any facade. Secondary construction materials include:

- a. Aluminum or other metals;
- b. Stucco;
- c. Cement siding;
- d. Tinted or split face CMU (Concrete Masonry Unit);
- e. EIFS (Exterior Insulation and Finish System) or texturized or patterned tilt wall;
- f. Cast stone;
- g. Marble, granite, glass block, and tile; and
- h. Other materials approved by the City Council.

F. The following requirements shall apply to properties and structures in single-family districts:

1. Except in the R3X, R4X and MHRX Districts, all roof slopes shall be a minimum of 8:12 and roof construction shall include opposing roof elements on the front facade and at least one other facade, unless otherwise allowed by a Special Use Permit.
2. The interior of all garages attached or facing a public street shall be of finished construction.

G. The following requirements shall apply to properties and structures in all non-single-family districts,

1. Architectural Design - Structure entrances shall be articulated and defined to present a strong entry presence. Structures shall be architecturally finished and defined to incorporate a minimum of the following architectural elements (four (4) if less than 50,000 square feet, six (6) if greater than 50,000 square feet, and seven (7) if greater than 100,000 square feet):
 - a. Canopies, awnings or porticos (non-fabric);
 - b. Overhangs;
 - c. Recesses or projections;
 - d. Arcades or porte-cocheres;
 - e. Peaked roof forms;
 - f. Arches;
 - g. Outdoor patios;
 - h. Detailing such as tile work or moldings integrated into the facade;
 - i. Integrated planters or wing walls that incorporate landscaping and sitting areas;
 - j. Recessed windows or similar techniques to distinguish the windows in the facade such as arches, pediments and mullions;
 - k. Varied roof lines or heights using such features as mansard roofs, gable roofs, hip roofs, and or

dormers;

l. An expression line to delineate divisions between floors of all buildings or a cornice to delineate the tops of facades; or

m. Other architectural elements approved by the City Council.

2. Subsection G(1) shall not apply to office/warehouse or office/showroom buildings. However, facades of office/warehouse or office/showroom buildings that are visible from a public street shall be designed to create entry character and visual interest through the use of:

a. Indentations and architectural details;

b. Enhanced entry features; and

c. Varying colors and materials.

3. All buildings shall incorporate a basic level of architectural variety as follows:

a. A minimum of 60% of the length of a building facade facing a public right-of-way shall be articulated with features such as entry areas, awnings, wall projections or recesses, arcades, offsets, reveals, or projecting rib.

b. Rear facades or facades not visible from the public right-of-way shall be of finished quality and of the same color and materials that blend with the front of the building. Rear facades or facades not visible from the public right-of-way may be painted tilt-wall or painted block matching the same color of the rest of the building.

c. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, or fluorescent color is prohibited unless approved by the City Council.

d. All buildings contained within a specific planned development, subdivision area, or individual commercial parcel (including pad sites) shall have similar architectural styles, materials, and colors. A facade plan and sample boards shall be submitted to the City with a Site Plan application to ensure compatibility between buildings.

4. Storefront windows shall not be mirrored.

5. Screening of Mechanical Equipment - All buildings shall be designed such that no mechanical equipment (HVAC, etc.) or satellite dishes shall be visible from a public right-of-way, whether the equipment is located on the ground, exterior walls or the roof. In all cases, screening shall be compatible with building materials. Mechanical penthouses shall complement overall building design. All ground-mounted service and mechanical equipment such as air conditioners, transformers, trash collection equipment and other service functions shall be located at the rear of all buildings and integrated into structural bays or enclosed service areas.

(Ordinance 2002-04 adopted 11/19/01; Ordinance 2012-10-351, sec. 3, adopted 10/15/12)

[Sec.] VII. Yards and service area regulations.

In addition to requirements set forth in Table IV.B.1 [V.B.] the following shall apply:

A. Double Frontage and Corner Lots.

1. In all districts, lots with double frontage shall have no less than the front yard setback for the district.
2. For corner lots in single-family residential districts, yards adjacent to a public right-of-way shall be set back no less than 25 feet or the required side yard setback for such district, whichever is greater.
3. For corner lots in non-single-family residential districts, the setback for all yards adjacent to a public right-of-way shall be no less than the front yard setback for the district.

B. Expanded Yards. In non-single-family districts, side and rear yards adjacent to residential uses shall be no less than 1.5 times that specified for the district.

C. No fence, wall, architectural screen, earth mounding or landscaping shall obstruct the vision of a motor vehicle driver approaching any street or driveway intersection. Only fences, walls, and hedges less than 2-1/2 feet in height, as measured from the centerline of the street, may be located in the visual clearance areas of all districts.

D. In all districts, no parking of vehicles or storage of materials shall be allowed in any required yard area for a period exceeding one (1) week or on a repetitive basis.

E. In all districts, only that portion (back, side or both, if applicable) of those yards that are adjacent to the 537 Flowage Easement maintained by the U.S. Army Corps of Engineers or any other property owned by the U.S. Army Corps of Engineers shall be exempt from applicable setback requirements. All other yards on the property shall comply with all setback requirements.

F. Off-Street Service Areas. Nonresidential uses shall provide and maintain a screened off-street area for the loading and unloading of merchandise and goods, in accordance with the following requirements:

1. A service area shall consist of an area at least 12 feet by 30 feet.
2. Hotels, office buildings, restaurants and similar establishments shall have a minimum of one service area and one additional service area per 40,000 square feet or fraction thereof. All other commercial uses shall have a minimum of one service area and one additional service area per 20,000 square feet or fraction thereof.
3. All service areas shall be located in the rear of the structure.
4. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street in a designated maneuvering area.

(Ordinance 2002-04 adopted 11/19/01; Ordinance 2004-04-01 adopted 4/19/04; Ordinance 2005-02-4, sec. 2, adopted 2/21/05)

[Sec.] VIII. Accessory structure and uses.

A. Accessory Structures and Uses by District.

1. Single-Family. Accessory structures are not allowed on any property zoned RE-5, RE-3, R-1, R-2, R-3X, R-4X or MHRX without the primary use structure being in place, unless approved by a Special Use Permit. Accessory structures can be built concurrently with the primary structure, but the construction of the accessory structure cannot advance beyond the construction of the primary structure. An accessory structure is a subordinate or incidental structure to the main structure that does not have separate kitchen facilities and cannot be used as a dwelling or living quarters and is not used for commercial purposes or financial gain, with the exception of agricultural. Accessory structures include garages, hobby shops, barns, storage buildings, well houses, gazebos, and/or pools. An accessory use is an incidental use not incompatible with the single-family residential use. Such structures and uses shall be allowed according to the [Table of Permitted Uses \(Appendix B\)](#) and after issuance of a building permit by the City.
2. Non-Single-Family. An accessory structure is a subordinate structure for which the use is incidental and used only in conjunction with the main structure or use. Such structures and uses shall be allowed according to an approved Site Plan and after issuance of a building permit by the City.
3. Maximum Accessory Structure Size. Any single accessory structure shall not exceed the following sizes unless otherwise approved by a Special Use Permit:

<u>Lot Size</u>	<u>Maximum Size of Accessory Building</u>
Less than one (1) acre	SUP required for an accessory building greater than 600 s.f. under roof
One (1) acre and greater	SUP required for an accessory building greater than 1,200 s.f. under roof

An application for a Special Use Permit shall be accompanied by:

- a. Proposed elevations of the accessory building showing proposed material types and colors; and
- b. A conceptual site plan showing the proposed location of the accessory building in relation to existing structures on the property and property lines.

B. Yard Requirements.

1. Garage entrances facing a side yard shall not be less than 25 feet (or the required minimum side yard if greater) to the adjacent property line.
2. Side and rear yard setbacks for structures without a permanent foundation (specifically, prefabricated sheds, gazebos, arbors, well houses, pools, play structures, and pet houses) and not exceeding ten (10) feet in height may be reduced to five (5) feet.
3. An accessory building shall be setback from the adjacent street a distance that is equal to or

greater than the setback of the front of the single-family home from the adjacent street unless such construction is authorized by a Special Use Permit granted by the City Council in accordance with [Section V\(C\)](#) of the City's Comprehensive Zoning Ordinance. Prior to authorizing a Special Use Permit, the City Council shall determine that the following specific conditions are met:

- a. Except for the specific regulations and standards applicable to the exception being considered, the proposed building, in all other respects, conforms to the applicable regulations or standards of the zone in which it is to be located.
- b. The proposed building will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district in which such property is located.
- c. The type, size, location and height of the proposed building and the nature and extent of landscaping on the lot are appropriate for the use and will not hinder or discourage the appropriate use of adjoining property.
- d. The design elements of the proposed building are attractive and suitable in relation to the site characteristics and style of other buildings in the immediate area, and that the proposed building will not alter the essential characteristics of the area or adversely affect property value in the neighborhood.
- e. The location of the proposed building will not hinder the provision of police and fire services.
- f. The proposed building will not be detrimental to or endanger the public health, safety, comfort or general welfare.
- g. The proposed building will not be injurious to the use and enjoyment of other property in the immediate vicinity.

C. In all non-single-family districts, enclosed refuse storage areas are required and shall:

1. Be screened on three sides in accordance with [Section XI](#), Screening, Landscaping and Open Space Regulations, of this ordinance.
2. Shall be enclosed on the fourth side by a solid screening gate if a compactor is located in the area.
3. Be designed to contain all refuse generated on site between solid waste collections.
4. Not be located in required yards or landscaped areas and not be visible from adjacent rights-of-way or residential uses.

D. Other Regulations.

1. With the exception of in-ground pools, a property in a single-family residential district shall have no more than the following accessory structures, without a Special Use Permit for each additional structure.

* up to 5 acres - two (2) accessory structures

* 5 acres and over - five (5) accessory structures

2. In non-single-family districts, all accessory structures shall be according to an approved Site Plan.

3. All accessory structures shall be included in the computation of maximum lot coverage allowed.
4. The exterior construction materials of all accessory structures shall be of a metal, masonry, or other weather-durable material that is complimentary and compatible design and construction to that of the main structure. Elevations of a proposed accessory building shall be submitted with an application for a building permit to demonstrate the compatibility of the proposed accessory building with the main structure. Exceptions to this requirement may be considered for accessory structures located on properties used for agricultural purposes (farming and/or raising of livestock) through the approval of a Special Use Permit.

E. Portable On-Demand Storage Containers.

1. No cost permits shall be required prior to the placement of a POD or a roll-off dumpster on a property.
2. In both residential and nonresidential zoning districts, PODs may be used during the construction of a new home or building but shall be removed from the property prior to the issuance of a Certificate of Occupancy for the new structure. After a Certificate of Occupancy has been issued for the primary structure on a property, up to two (2) PODs may be located on the property no more than twice per calendar year for periods no longer than ten (10) days. One of the periods may be extended by the City Manager or his/her designee for up to thirty (30) additional days provided a building permit has been obtained to renovate, repair, remodel, or reconstruct a structure on the property during the extension period.
3. In both residential and nonresidential zoning districts, roll-off dumpsters may be used during the construction of a new home or building but shall be removed from the property prior to the issuance of a Certificate of Occupancy for the new structure. After a Certificate of Occupancy has been issued for the primary structure on a property, up to two (2) roll-off dumpsters may be located on the property no more than twice per calendar year for periods no longer than ten (10) days. One of the periods may be extended by the City Manager or his/her designee for up to thirty (30) additional days provided a building permit has been obtained to renovate, repair, remodel, or reconstruct a structure on the property during the extension period.
4. PODs and roll-off dumpsters shall not be placed in the right-of-way, grassy areas in the front yard, or on any easement.

F. Use of Modular Buildings by School Districts and the City.

1. Modular buildings may be utilized by school districts and the City only upon issuance of a building permit by the City.
2. A school district or the City may apply for a building permit to erect a modular building for an initial period of up to two (2) years provided the school district or City is already operating in a building on the property and the applicant submits:

- a. An application with documented evidence of an immediate need for space to the Planning & Zoning Commission, who shall evaluate each application for a temporary building based on the following criteria:
 - i. Capacity of the existing permanent building(s), which is located or planned to be located on the same property for which the temporary building permit is being sought, compared to the enrollment, employment, and/or number of people attending the existing permanent building(s) at one time;
 - ii. Total enrollment and/or employment numbers;
 - iii. Documentation of growth records depicting the number of people in the school and/or office;
 - iv. Indication of alternative options that were explored before a temporary building application was considered;
 - v. Acts of nature; and/or
 - vi. Any other evidence which is reasonably related to the immediate need for additional space;
 - b. A preliminary site plan, providing for a permanent solution to the immediate need for a new temporary building(s) showing the permanent building(s), the temporary building(s), and the required parking, which is subject to the review and approval of the Planning & Zoning Commission and City Council; and
 - c. A site plan for the temporary building(s), which is subject to the review and approval of the Planning & Zoning Commission and City Council.
3. The temporary building(s) shall be removed within thirty (30) days of the date a Certificate of Occupancy is issued for the permanent building or the permit for the temporary building expires, whichever occurs first.
4. A request for a one (1) year extension of the temporary building permit may be granted by the City Council provided the applicant:
- a. Has received City approval of a site plan for the permanent building(s);
 - b. Has a specific plan of how an additional year would allow the applicant to construct the permanent building(s) by providing:
 - i. Evidence of numeric growth, beyond that which was specifically anticipated by the applicant;
 - ii. Enrollment and/or employment growth records;
 - iii. Evidence that alternative options were explored before an extension of the temporary building permit was requested; and
 - iv. Any other criteria reasonably deemed appropriate by the City Council.
5. The applicant may appeal a decision of the Planning & Zoning Commission, by submitting a written appeal to the City Council within fourteen (14) days of a decision of the Planning & Zoning Commission.

The City Council's decision is final.

(Ordinance 2002-04 adopted 11/19/01; Ordinance 2002-07 adopted 3/18/02; Ordinance 2004-11-2, sec. 4, adopted 11/15/04; Ordinance 2006-03-1, sec. 3, adopted 3/20/06; Ordinance 2011-06-325, sec. 2, adopted 6/20/11; Ordinance 2012-11-353 adopted 11/19/12)

[Sec.] IX. Parking, Loading, and Access regulations.

Purpose: To secure safety from fire, panic, and other dangers; to lessen congestion in the streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land, minimum off-street parking shall be provided as set forth in the following schedules and provisions.

A. At the time a main structure is erected, dedicated off-street parking areas shall be provided. Each dedicated off-street parking area shall be a minimum of nine (9) feet wide and twenty (20) feet deep, exclusive of driveways and maneuvering aisles.

B. Off-Street Parking (Single-family Residential). With the exception of properties in the MHRX District, an attached or detached garage (which must meet requirements of an accessory structure) shall be provided to accommodate two (2) dedicated off-street parking spaces. A minimum of two (2) dedicated off-street parking spaces shall also be provided behind the front property line for the purpose of allowing on-site parking and maneuvering to the required garage.

1. The conversion of a required two-car attached or detached garage to habitable living space shall be prohibited unless such conversion is authorized by a building permit issued by the City. Prior to issuing a building permit to convert a required two-car attached or detached garage to habitable living space, the City Manager or his/her designee shall determine that the following conditions are met:

- a. The proposed garage conversion is located on a lot of one (1) acre or greater;
- b. The design elements of the proposed garage conversion are attractive and suitable in relation to the site characteristics and style of other homes in the immediate area and the proposed garage conversion will not alter the general characteristics of the neighborhood. This condition shall generally be satisfied by having the exterior construction materials of the converted garage match the materials, colors and design of the rest of the facade of the house on which the conversion takes place;
- c. An attached converted garage shall have internal ingress and egress to and from the home.
- d. A garage conversion shall not create an independent dwelling unit;
- e. The proposed garage conversion will not hinder the provision of police and fire services by displacing vehicles to the street. This condition shall generally be satisfied by providing a total of four (4) off-street parking spaces on the property. The off-street parking spaces shall be provided in the form of an improved driveway, an attached or detached garage, a carport, or an improved surface (concrete or asphalt or gravel or crushed rock) connected to an improved driveway. Each off-street parking space shall be a minimum of nine (9) feet wide and twenty (20) feet deep. The location of the off-street parking

spaces shall be consistent with the character of the neighborhood; and

f. The proposed garage conversion will not result in the open storage of lawn and garden equipment, tools, chemicals, and other items typically stored in a garage. This condition shall generally be satisfied by providing a storage room of not less than fifty (50) square feet of floor area which is directly accessible from the outside of the dwelling unit, an attached or detached garage, or an accessory building on the property.

In addition to meeting the above listed conditions, the property owner or the owner's designee shall obtain all required City permits and comply with all applicable codes and requirements, including, but not limited to, building codes, fire codes, energy efficiency standards, and setback requirements.

If the City Manager or his/her designee determines that a proposed garage conversion does not meet the above listed conditions and subsequently denies the application for the building permit, the applicant may appeal the decision by submitting an application for a Special Exception to the Board of Adjustment in accordance with this Section and [Section XVI](#) of the City's Comprehensive Zoning Ordinance. The owner of a lot that is less than one (1) acre may also seek a Special Exception to convert a required garage to living space. Prior to approving a Special Exception, the Board of Adjustment shall determine that the above listed conditions are met.

An application for a building permit or a Special Exception to convert a required garage to habitable living space shall be submitted on an application form prescribed by City. The application shall be accompanied by application materials prescribed by City, including but not limited to an illustration showing the location of proposed and existing structures, off-street parking areas, and driveways on the subject property and an illustration of the proposed garage conversion.

Before the 10th day before the date of the public meeting at which the Board of Adjustment will consider a request for a Special Exception, the owner (as indicated on the adopted property tax roll) of any property within 200 feet of the subject property shall be notified by first class US Mail of the meeting. Each property owner within 500 feet shall be notified in the same manner when a request for a Special Exception involves a platted single-family lot with zoning that specifies a minimum lot size of one (1) acre or greater.

2. A single-family home which was legally constructed without a two-car garage shall not be considered a nonconforming structure if the sole reason for its nonconformity is due to the absence of a two-car garage.

C. Off-Street Parking (Non-Single-Family). In districts other than single-family residential, a minimum number of dedicated off-street on-site parking areas, constructed on an improved surface of concrete or similar grade material, shall be provided and maintained. Parking spaces shall be clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent markings shall be regularly maintained to ensure continuous clear identification of the space. Handicapped accessible spaces shall be provided according to the Americans with Disabilities Act Assistance and Guidelines

(ADAAG). All parking spaces shall be designed and arranged in accordance with [Figure IX.1](#) and [Figure IX.2](#) at the end of this Section. The minimum number of spaces required shall be as follows, and fractional spaces shall be rounded up:

1. Commercial and Retail Uses.

- a. Commercial and Retail Uses Not Specified Below - 1 space per 200 square feet of gross floor area.
- b. Amusement, Restaurant, or Private Club Uses - 1 space per 100 square feet of gross floor area. (Main building in-line restaurants may reduce their parking to 1 space per 200 square feet of floor area.)
- c. Carwash - 2 spaces plus required stacking for each carwash bay.
- d. Day Care/Preschool - 1 space per 10 students.
- e. Health Studio or Club - 1 space per 100 square feet.
- f. Hotel, Motel, and Bed/Breakfast - 1 space per commercial bedroom plus 1 space per 200 square feet of gross commercial floor area.
- g. Nursing, Convalescent, Group Home - 1 space per 3 beds.
- h. Professional Office or Banks/Financial Institutions - 1 space per 300 square feet of gross floor area.
- i. Medical, Dental, or Similar Office Uses - 1 space per 200 square feet of gross floor area.
- j. Vehicle Repair - 4 spaces per service bay.
- k. Warehouse, Wholesale, Manufacturing and Other Industrial Type Uses - 1 space per 1,000 square feet of gross floor area.

2. Other Uses.

- a. Auditoriums, Stadiums, Lodges, Churches or similar - 1 space per 3 seats, plus 1 space for each 300 square feet of gross floor area not accounted for by the seating requirement.
- b. Schools, Elementary or Middle - 1 space per 10 students.
- c. Schools, Secondary or High School - 1 space per 3 students.

3. Unlisted Uses. For uses not listed above, an applicant may submit a parking ratio based on best/current planning and transportation practices.

a. Best/Current Practices Parking Ratio Application.

1. An applicant shall fully cite the sources used to derive the applicant-submitted parking ratio, possible resources include parking standards materials from the Institute of Transportation Engineers (ITE) or the American Planning Association (APA).
2. The City Manager or his/her designee shall review the applicant submitted parking ratio to confirm best/current planning practices for a use and approve, modify, or deny the applicant submitted parking

ratio.

b. Parking Ratio Determination in Case where no Application is Submitted. If the applicant does not submit a parking ratio, then the City Manager or his/her designee shall determine the parking ratio based on the best/current planning and transportation practices.

D. Stacking Spaces. In a non-single-family district, a total of five stacking spaces per service bay or service window shall be provided so as to allow vehicles to queue on-site in a controlled manner prior to receiving a service. One additional stacking space shall be provided to allow vehicles to clear the service bay or service window after receiving service. The stacking space shall be the same size as a parking space and shall be located so as not to interfere with any circulation driveway, parking space, or maneuvering aisle.

E. Access. Unless otherwise allowed by an approved Site Plan, the minimum spacing (measured from edge of driveway to edge of driveway or street) between a driveway and another driveway or street along a roadway shall be:

a. 90 feet along a collector (two or three lane undivided) street;

b. 200 feet along a minor arterial (four-lane divided) street; and

c. 240 feet along a principal arterial (six-lane divided) street;

d. Driveway spacing shall be determined by the type of roadway as it is designated on the City's Thoroughfare Plan not the type of the existing roadway.

e. A driveway to be extended to a street which street then intersects with a second street upstream or downstream from the driveway shall be located no closer than seventy-five feet (75') upstream or downstream from the right-of-way of the second street and in no case shall the driveway be constructed within the transition of a right-turn or deceleration lane.

F. Off-Street Parking Design. In non-single-family parking areas, all driveways shall be in accordance with [Figure IX.1](#) and [Figure IX.2](#) below. Parking areas shall provide for continuous vehicle circulation and no dead-end driveways shall be allowed.

G. Cross Access between Properties. Driveways dedicated as fire lane and/or access easements shall be provided between office, retail, and/or commercial properties to provide access between properties, interconnected vehicle circulation, and access to median openings in adjacent thoroughfares.

H. Off-Street Loading Areas. Nonresidential uses shall provide and maintain a screened off-street area for the loading and unloading of merchandise and goods, in accordance with the following requirements:

1. A service area shall consist of an area at least 12 feet by 30 feet.

2. Hotels, office buildings, restaurants and similar establishments shall have a minimum of one service area and one additional service area per 40,000 square feet or fraction thereof. All other

commercial uses shall have a minimum of one service area and one additional service area per 20,000 square feet or fraction thereof.

3. All service areas shall be located at the rear or side of the structure.

4. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street in a designated maneuvering area.

1. Pedestrian Access Requirements (Non-Single-Family).

1. Sidewalks, no less than six (6) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

2. A minimum five (5) foot wide sidewalk shall be constructed in the right-of-way a minimum of five (5) feet from the edge of the adjacent street. In locations where the City's Parks and Trails Plan designates the sidewalk as a trail, the width of the sidewalk shall be increased to eight (8) feet.

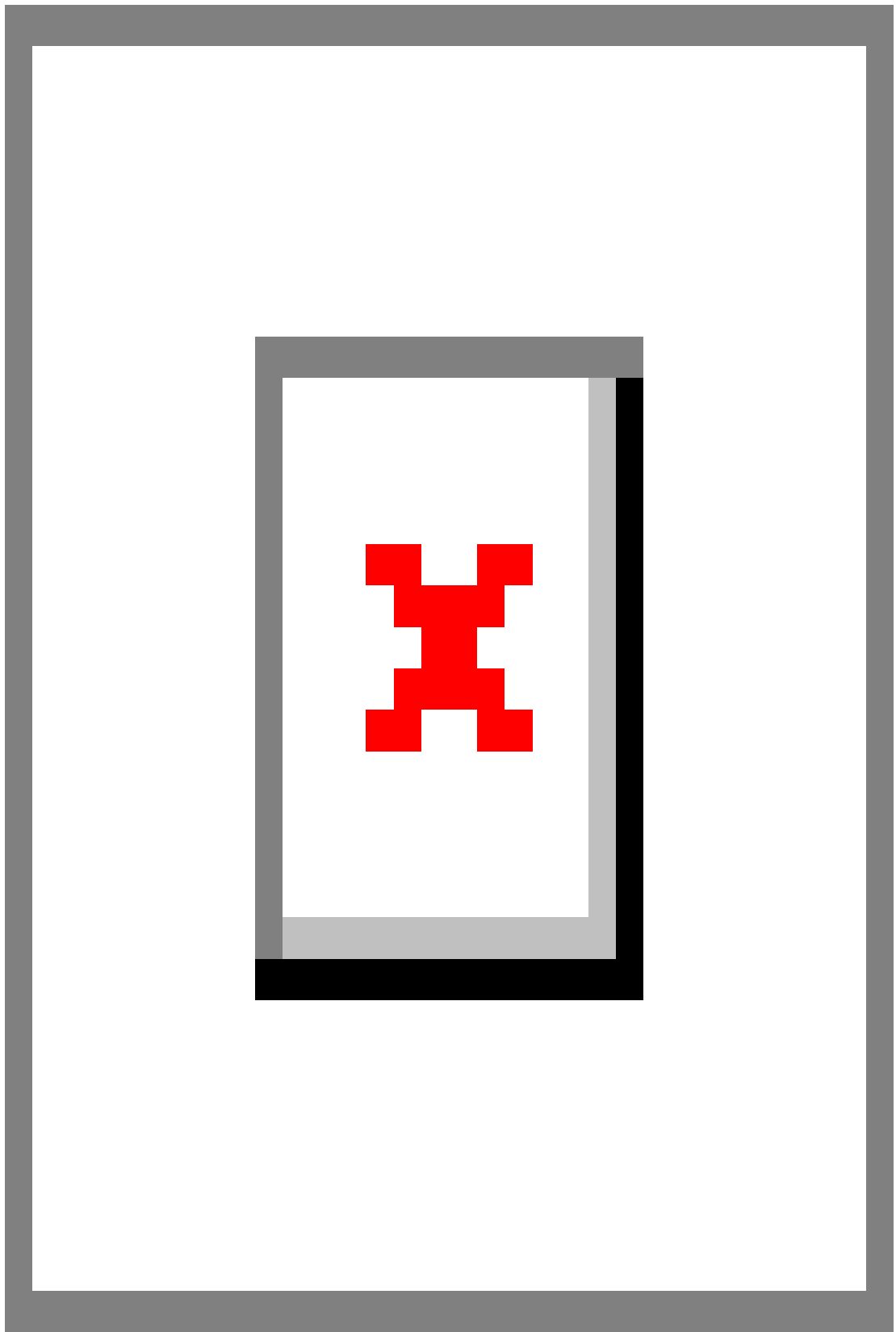


Figure IX.1

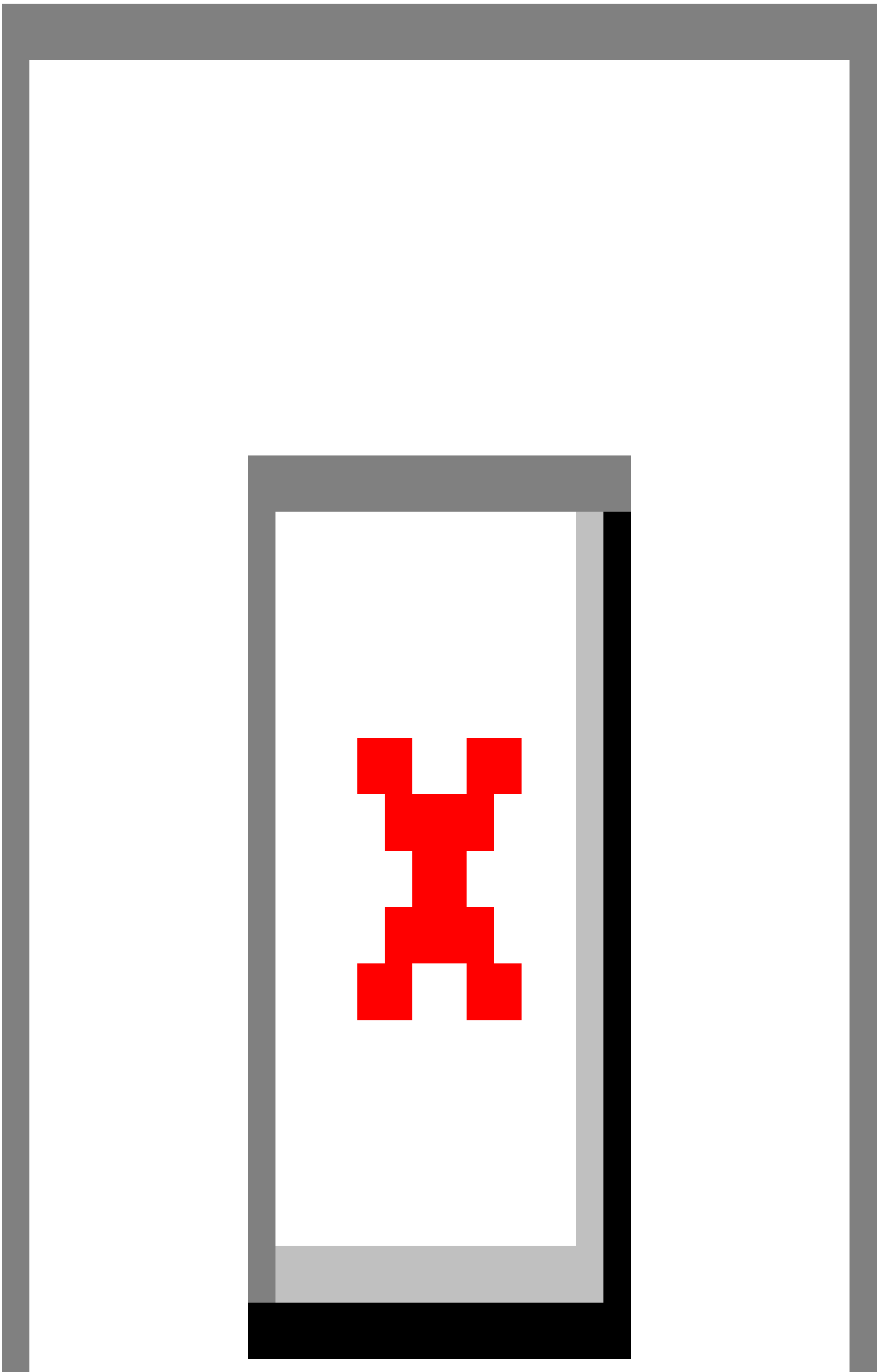


Figure IX.2

(Ordinance 2002-04 adopted 11/19/01; Ordinance 2012-10-351, sec. 4, adopted 10/15/12; Ordinance 2013-01-354 adopted 1/21/13)

[Sec.] X. Non-single-family residential site plan requirements.

All uses, with the exception of single-family residential, shall require review and approval of a Site Plan prior to issuance of building permits. The Site Plan process and approval shall consist of a Concept Plan review and approval and a Development Plan review and approval. All applications for review must be received 30 days prior to the appropriate Commission meeting. Review fees in compliance with the Code of Ordinances of the City of Oak Point, Texas must be received with the application.

A. Concept Plan.

1. The Concept Plan application shall include the information listed below on a one-dimensional scaled drawing. The drawing shall include existing and proposed site conditions and improvements:
 - a. Site boundaries, bearings, dimensions, site acreage and square footage, and notation of distance from nearest street intersection.
 - b. Location map, north arrow, scale and title block identifying the site.
 - c. Topography at five-foot contours or less.
 - d. Natural features including tree masses, floodplains, drainageways, and creeks.
 - e. Proposed reclamation of floodplain area, if applicable, with acreage.
 - f. Property identification, current zoning, proposed zoning (if applicable) and description of land use.
 - g. Areas of special use within plan area.
 - h. Building sites (including maximum building intensity, density, height and use restrictions as appropriate). Illustration of the approximate shape and placement of buildings.
 - i. Public streets and private drives with pavement widths, right-of-way, median openings, turn lanes (including storage and transition space), and driveways (including those on adjacent property) with approximate dimensions.
 - j. Distances (edge to edge) between existing and proposed driveways and streets.
 - k. Existing and proposed easements.
 - l. Proposed dedications for public use or rights-of-way.
 - m. Phases of development, including areas, building sites, land use and other improvements to be constructed in individual phases.
2. The Planning and Zoning Commission shall review and make recommendation regarding approval and the City Council may approve, conditionally approve, table or deny a Concept Plan based on:
 - a. Compliance with the Comprehensive Plan and adopted design studies.

- b. Compliance with the Zoning Ordinance and other applicable development regulations.
 - c. Impact on the natural resources of the area.
 - d. Effect on adjacent area property and land use.
3. Effect. Approval of a Concept Plan by the City Council constitutes authorization by the City for the property owner to submit an application for approval of a Development Plan subject to compliance with any condition attached to the approval of the Concept Plan. A Concept Plan shall not provide for variance from development regulations.
4. Lapse. If a Development Plan is not approved within one year of the approval of a Concept Plan, the Concept Plan shall become null and void.
- B. Development Plan.
1. The Development Plan shall be in the same format and require the same information as the Concept Plan with the following additional requirements:
 - a. Site data summary tables, including:
 - 1) Zoning
 - 2) Proposed Use(s)
 - 3) Lot Area, excluding right-of-way (square footage and acreage)
 - 4) Building Area (gross square footage)
 - 5) Building Height
 - 6) Lot Coverage
 - 7) Floor Area Ratio or number of dwelling units
 - 8) Total Parking required and provided
 - 9) Landscaping required and provided
 - 10) Square footage of impervious surfaces.
 - b. Finished floor elevation of structures referenced to sea level datum.
 - c. Building locations, building size and dimensions, intensity, density, height, distances between buildings, building lines and setbacks.
 - d. Parking areas and structures, including the number and layout of standard spaces, angle of parking, handicap spaces, drive aisles, service areas, ramps, crosswalks, sidewalks, landscaping, screening, fire lanes, and refuse containers.
 - e. Utility connections, mains and lines, meter locations, hydrants, manholes, check valves by location and size.
 - f. Inlets, culverts or other drainage structures.

- g. A project timeline.
 - h. Such additional terms and conditions, including design standards, as the Planning and Zoning Commission and City Council deem necessary.
2. Other Requirements. The following additional materials shall be approved prior to approval of the Development Plan.
 - a. Final plat or replat,
 - b. Zoning Change, if necessary,
 - c. Landscape Plan,
 - d. Other plans as required by ordinance.
 3. The Planning and Zoning Commission shall review and make a recommendation regarding approval and the City Council may approve, conditionally approve, table or deny a Development Plan based on:
 - a. Conformance with the Comprehensive Plan and adopted design guidelines.
 - b. Compliance with the Zoning Ordinance, other applicable regulations, and the approved Concept Plan.
 - c. Effect on adjacent area property and land use.
 - d. Provision of traffic control/mitigation, off-street parking, and service areas.
 - e. Protection and conservation of soils from erosion.
 - f. The adequacy of streets, water, drainage, sewerage facilities, garbage disposal, other utilities necessary for essential services to occupants and residents.
 4. Prior to recommendation or action, Planning and Zoning Commission and City Council shall hold public hearings with notification of such hearings in accordance with Section V.C.6 [sic] of this Ordinance. This public hearing requirement may be met by a joint hearing.
 5. Effect. Approval of a Development Plan by the City Council constitutes authorization by the City for the property owner to apply for the appropriate building permits. A Development Plan shall not provide for variance from development regulations.
 6. Lapse. Building permits may be submitted for no more than one year after the approval of a Development Plan.
- C. Revocation. The City Council may revoke approval of a Concept or Development Plan if it determines that the conditions of the approval have not been met, if the plan contains materially incorrect information, or if approval is found to be secured through deceit or fraud.

(Ordinance 2002-04 adopted 11/19/01)

[Sec.] XI. Screening, landscaping, and open space regulations.

- A. Screening. A continuous unbroken and solid visual screen of masonry construction, natural hedge at maturity (2 Years), or combination thereof of not less than 6 feet and not more than 8 feet in height shall be required upon construction, alteration or use, as follows:
1. When a district or specially permitted use, other than single-family residential, is adjacent to a single-family residential district or a nonresidential use is adjacent to a residential use, a solid screening wall shall be required.
 2. In all districts to screen a service or loading area from the view of any public street, City park, or adjacent residential property.
 3. In all districts, other than single-family residential to screen the open storage of materials or equipment.
 4. For screening located between districts, the owner of the non-single-family or nonresidential property shall be responsible for the construction and maintenance of screening.
 5. All vegetative screening shall be maintained in a healthy and growing condition.
- B. Screening of Trash/Recycling Containers. Trash and recycling containers shall be located on the side or rear of the building and screened from public view on 4 sides, using an enclosure that is 7' tall or of a height that is a minimum of 1' above the top of the container, whichever is taller, and secured by an enclosure gate as described below. Screening materials shall be comprised of a wall that has a similar finish to the primary structure, or a combination of trees and shrubs that will result in solid screening within 2 years. All vegetative screening shall be maintained in a healthy and growing condition.
1. Fence posts supporting the enclosure gates shall be rust-protected metal, concrete based masonry, or concrete pillars.
 2. 6" concrete-filled steel bollards shall be located to protect the enclosure from truck operations.
 3. Enclosures shall have steel gates and tie-backs to secure them in an open position, and fasteners to keep them closed.
 4. Screening shall be maintained at all times.
- C. Non-single-family Residential Landscaping.
1. Compliance.
 - a. Prior to approval of a Development Plan in the Site Plan review and approval process, a Landscape Plan shall be submitted by the property owner and approved by the City Council with consideration of a recommendation from the Planning and Zoning Commission.
 - b. Prior to issuance of any Certificate of Occupancy, all landscaping requirements herein shall be conformed to.
 - c. If installation is impractical due to the season, a cash deposit or surety bond equal to the cost of materials and installation shall be provided to the City from the property owner and a Certificate of

Occupancy may be conditionally issued. Upon compliance with the approved Landscape Plan, the City shall refund the deposit or release the bond. If compliance with the Landscape Plan does not take place within 1 year after the issuance of a Certificate of Occupancy, the deposit/bond shall be forfeited and the Certificate of Occupancy may be revoked.

d. If at any time after the issuance of a Certificate of Occupancy, the landscaping that was installed does not conform to the Landscape Plan or standards, the City will issue notice to the property owner citing violation and describing the action required for compliance. The owner shall have 30 days from the date of said notice to reach compliance or obtain City approval of a compliance schedule. Failure to do so constitutes a violation of this ordinance. In addition to any other remedy available to the City, the Certificate of Occupancy may be revoked.

2. Landscape Plan. The Landscape Plan shall be prepared by a landscape architect and shall contain the following information:

a. North indication mark.

b. Date of the Landscape Plan and any revisions.

c. Minimum scale of one inch equal to 30 feet or appropriate scale for legibility.

d. Locations, size and species of all existing trees, or groups of 10 or more trees, noting which are to be preserved, indicating true size of all trees of 3" or greater caliper as measured 4-1/2 feet above natural soil level.

e. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.

f. Identification of all plant material to be used (Common and Botanical).

g. Size of all plant material to be used at time of planting, appropriate spacing shall be indicated on plan.

h. Layout and description of irrigation, sprinkler, or water systems including placement of water sources. A Texas license irrigation seal is necessary on all irrigation plans requiring certification.

i. All common areas, nonresidential, and multifamily landscape areas will be irrigated with a mechanical irrigation system including turf and ground cover areas.

j. Size and location of all existing and proposed utilities, including easements.

k. Details and/or cross-sections as required for clarification.

l. Topography shall include final grade at 1-foot intervals using spot elevations and/or contours to define proposed drainage patterns.

m. Parkways and medians shall indicate a minimum of 6 inches of topsoil.

3. Maintenance. The owner of a property shall be responsible for the maintenance of all landscaping

required by this ordinance or the approved Landscape Plan. All plant material shall be perpetually maintained in a healthy and growing condition as is appropriate for the season of the year. Required plant materials which die shall be replaced with plant material according to the standards of this ordinance.

4. General Standards. In all districts, the following requirements shall apply, unless otherwise noted below:

- a. All required landscaped/open areas shall be covered with living plant material. Mulch and other materials may be used around flower, shrub and tree plantings.
- b. Plant materials shall conform to the standards of the Approved Landscape Materials List, [Appendix C](#). Substitutions may be approved in the Landscape Plan. The quantity of plant material proposed and installed must equal or exceed the minimum number of plants required, unless otherwise approved in the Landscape Plan. Unless otherwise noted on the approved Landscape Plan, required plant material may be placed in groupings or utilized in an appropriate planting design.
- c. Trees shall have an average spread of crown greater than 15 feet at maturity. Trees having lesser average mature crown may be substituted in equivalency. At time of planting, trees shall be a minimum height of 7 feet and caliper of 2-1/2 inches as measured 4 feet above the natural soil level.
- d. Shrubs other than dwarf variety shall be a minimum of 2 feet in height at planting. A screening hedge, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen.
- e. Parking areas adjacent to the landscaped perimeter of a street shall be screened by either a berm or shrubs of a height between 18 and 36 inches. The berm or shrubs shall be placed in the landscape area described in Subsection 5(a)(1)(a).
- f. Ground covers substituted for grass shall provide complete coverage within one year of planting.
- g. Earthen berms shall not exceed a 3:1 slope. All berms shall contain adequate drainage and erosion prevention measures. Berms shall not include construction debris or other substandard materials.
- h. Large trees may not be planted closer than four feet to any street, driveway, curb, sidewalk, screening fence, utility lines or any structures. Ornamental trees may be placed closer as approved in the Landscape Plan.
- i. Evergreen trees such as conifers intended for screening will have a minimum height of 6 feet at time of planting. Evergreen shrubs intended for required screening shall be a minimum of 7 gallons and capable of attaining 6 feet within two growing seasons.
- j. All landscaped areas adjacent to parking or driveways shall be protected by a 6-inch concrete curb (or approved wheel stops where curbs are not provided). No pavement shall be placed closer than four feet to a tree trunk, unless approved root barriers are utilized.

- k. All driveways shall maintain visibility as required by this ordinance.
- l. Ornamental trees may be substituted for large trees at a ratio of 3:1, not to exceed 30% of the required large trees. Ornamental trees shall have a minimum caliper of 2-1/2 inches at time of planting.
- m. New or proposed plant materials shall be measured and sized according to the Texas Association of Nurserymen (TAN) standards.
- n. Other plant materials in excess of the quantities required may be smaller than required materials.

5. Landscape Area Requirements.

a. Other than single-family residential.

1) Frontage and Perimeter.

- a) A minimum landscaped area of 20 feet wide adjacent to the public right-of-way or differing uses shall be approved, installed, and maintained.
- b) At least one (1) large three-inch caliper tree and two (2) crepe myrtles shall be installed and maintained in the landscaped area for each 30 feet of linear frontage along the public right-of-way or common boundary with differing uses.
- i. Of the large trees installed in the landscaped area along the public right-of-way, a minimum of 50% of the trees shall be six-inch caliper trees.
- c) The area contained within the radius of 40 feet from the corner of any intersection shall be preserved and maintained as a landscaped area. This area shall contain at least three (3) large trees.

2) Parking Area Requirements.

- a) For each parking space provided, 15 square feet of landscaping area (exclusive of Frontage and Perimeter requirements) shall be approved, installed, and maintained within the boundaries of the parking area.
- b) For each 10 parking places, one large tree must be installed and maintained in the landscaped area. Additional shrubs may be required as a condition of the Landscape Plan if necessary.
- i. Of the large trees installed in the landscaped areas, a minimum of 50% of the trees shall be six-inch caliper trees.
- c) There shall be a large tree within 100 feet of every parking place.
- d) Landscaped islands located within the parking lot shall generally be located at the terminus of parking rows. There shall be no more than 15 continuous parking spaces without separation by a landscaped island. Facing aisles of parking must be separated by a landscape island. Landscaped islands shall be a minimum of 100 square feet, not less than 8 feet wide and equal in length to the abutting space. Each landscaped area shall contain at least one large tree. Landscaped islands may be grouped to form larger interior landscaped areas according to an approved Landscape Plan. In landscaped islands where light poles are installed, ornamental trees may be substituted 2:1 for large

trees.

3) Foundation Plantings.

- a) Foundation planting trees enhance the pedestrian experience in front of larger buildings by breaking up large impervious surfaces between parking areas and the building.
- b) Foundation planting trees shall be placed along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking areas.
- c) Plantings shall include a minimum 3-inch caliper shade tree for every 2,000 square feet of gross building area. Tree species shall be selected from the City's approved Tree List.
- d) Small ornamental trees are permitted at a ratio of 4 to 1 instead of 3-inch caliper shade trees.

b. Single-family Residential.

1) At the time of construction or when a main structure is significantly altered, all single-family residential uses shall have in place or install and maintain the minimum amount of large trees from the approved list according to the provisions of this ordinance. The required trees may be installed within the required yards. Mechanical irrigation is not required for residential properties.

<u>District</u>	<u>Large Trees Required</u>
RE-5, RE-3, and R1	6
R2	4
R3X, R4X and MHRX	2

2) At the time of construction or when a main structure is significantly altered, all single-family residential lots under twenty-five thousand (25,000) square feet must be graded in accordance with the grading plan and must be covered with vegetation, including sodded grass, living groundcover, mulch and/or decorative stone, in order to help hold the soil in place and prevent erosion prior to the issuance of occupancy. Mulch, living groundcover, and decorative stone may be used for patterns, beds, and erosion cover; however their use shall not be the predominant groundcover.

c. Preservation Credits.

1) Existing healthy trees from the approved plant list may be used to satisfy the requirements of this ordinance. Other species may be used according to an approved landscape plan. Existing trees approved by the City shall be credited as follows:

<u>Existing Saved Trees</u>	<u>Credit</u>
6–10" Caliper	2 Large Trees
11–20" Caliper	3 Large Trees
20"+ Caliper	4 Large Trees

- 2) Existing preserved trees may warrant adjustment of the minimum distance between parking spaces and a large tree.
- 3) Large groupings of small or understory trees may be considered for preservation credits, approval shall be noted on the Landscape Plan.
- 4) Credit will be revoked where trees intended for preservation credits are damaged due to construction, broken branches, root disturbance, soil compaction, or soil cut/fill.

6. Application and Fees. Application for Landscape Plan approval shall be received at least 30 days prior to the Planning and Zoning Commission meeting. In compliance with the Code of Ordinances of the City of Oak Point, Texas, the Landscape Plan review fee shall be paid at the time of application.

7. Recommended Plant Materials. Artificial plants or turf are expressly prohibited; however, drought resistant, heat tolerant and native plants are highly recommended. Other species may be approved specifically on the Landscape Plan. The Approved Landscape Materials list is contained in [Appendix C](#).

D. Non-Single-Family Open Space Requirements. For nonresidential developments, 7% of the net lot area shall be provided as open space. The open space may consist of any element that is not one of the following:

1. Vehicular paving.
2. Required parking lot tree islands.
3. Building footprint.
4. Utility yards.
5. Required landscape edges.
6. Detention ponds without a constant water and not located between the building and street.

(Ordinance 2002-04 adopted 11/19/01; Ordinance 2012-10-351, sec. 5, adopted 10/15/12; Ordinance 2016-07-419 adopted 7/18/16)

[Sec.] XII. Supplemental district regulations.*

(A) Sale of Alcoholic Beverages.

1. Definitions. For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Applicant: A person who submits or files an original or renewal application with the City of Oak Point, the County Judge, or the Texas Alcoholic Beverage Commission for a license or permit.

Alcoholic Beverage: Alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

Beer: A malt beverage containing one-half of one percent or more of alcohol by volume and not more than four percent of alcohol by weight, and does not include a beverage designated by label or otherwise by a name other than beer.

Commission: The Texas Alcoholic Beverage Commission.

Licensee: A person who is the holder of a license provided in the Texas Alcoholic Beverage Code, as amended, or any agent, servant, or employee of that person.

Liquor: Any alcoholic beverage containing alcohol in excess of four percent by weight, unless otherwise indicated. Proof that an alcoholic beverage is alcohol, spirits of wine, whiskey, liquor, wine, brandy, gin, rum, ale, malt liquor, tequila, mescal, habanero or barreteago, is prima facie evidence that it is liquor.

Mixed Beverage: One or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container or [of] any legal size for consumption on the premises where served or sold by the holder of a mixed beverage permit, the holder of a daily temporary mixed beverage permit, the holder of a caterer's permit, the holder of a mixed beverage late hours permit, the holder of a private club registration permit, or the holder of a private club late hours permit.

On-Premise: Refers to the site of consumption rather than the site of sale and refers to the sale of alcoholic beverages for on-premises consumption.

Off-Premise: Refers to the site of consumption rather than the site of sale and refers to the sale of alcoholic beverages for off-premises consumption.

Permittee: A person who is the holder of a permit provided for in the Texas Alcoholic Beverage Code, as amended, or an agent, servant, or employee of that person.

Premises: The grounds and all buildings, vehicles, and appurtenances pertaining to the grounds, including any adjacent premises if they are directly or indirectly under the control of the same person.

Person: A natural person or association of natural persons, trustee, receiver, partnership, corporation, organization, or the manager, agent, servant, or employee of any of them.

Private School: A school maintained by private individuals, religious organizations or corporations, not at public expense, and open only to pupils selected and admitted by the proprietors or governors, or to pupils of a certain religious [religion] or possessing certain qualifications, and generally supported, in

part at least, by tuition, fees, or charges.

Public School: A school established under the laws of the State (and usually regulated in matters of detail by local authorities), in the various districts, counties, or cities, maintained at the public expense by taxation, and open, usually without charge, to the children of all the residents of the city, City or other district.

Restaurant: A place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served at noon and evening, as the principal business of the place. The term does not include pharmacies, confectionery stores, lunch stands, nightclubs, and filling stations.

Wine and Vinous Liquor: The product obtained from the alcoholic fermentation of juice of sound ripe grapes, fruits, berries, or honey, and includes wine coolers.

2. Prohibited Sales. The sale of alcoholic beverages is not allowed in areas zoned for residential use, including, but not limited to, PD Planned Development Districts approved exclusively for residential uses. Except as otherwise specifically allowed by the Texas Alcoholic Beverage Commission or as otherwise provided herein, no alcoholic beverages may be sold within three hundred feet (300') of a church, public school or private school, or public hospital. Measurement of such distance shall be in accordance with the terms of this Ordinance and the Texas Alcoholic Beverage Code, as amended.

State law references—Authority of city to prohibit sale in residential areas, V.T.C.A., Alcoholic Beverage Code, secs. 109.31, 109.32; sales near church, school or hospital, V.T.C.A., Alcoholic Beverage Code, sec. 109.33.

3. Permits.

a. Fees Established. The annual permit fee for issuing a license or permit to operate, conduct and maintain a business establishment selling alcoholic beverages in the City is:

(i) For stores with beer and wine sales for off-premises consumption only, and, except as specifically exempted herein, for locations with mixed beverage permits, the permit holder shall pay a fee equal to one-half (1/2) of the state fee for such license and permit in effect at the time of the initial permit application or renewal for the annual permit, as applicable. Such fee shall be in addition to any applicable fee for a food and beverage certificate.

(ii) Exemption. A mixed beverage permit is exempt from the payment of the fee imposed by this Subsection during the three-year period following the issuance of the permit as specified in the Texas Alcoholic Beverage Code.

(iii) Payment of Fee.

Term. The permit fee shall be collected when the application for such permit is submitted. This permit shall be valid only for one year (365 days) from the date of its issuance, and if issued during the calendar year, the fee shall be collected in full without reduction and shall be renewed by the applicant annually thereafter during the time that such applicant is engaged in the business of selling alcoholic

beverages within the City. Permit applications shall be filed with the City Clerk.

State law references—Local fee authorized on alcoholic beverage permits, V.T.C.A., Alcoholic Beverage Code, sec. 11.38; local fee authorized on alcoholic beverage licenses, V.T.C.A., Alcoholic Beverage Code, sec. 61.36.

4. Zoning Compliance Required. No permit shall be granted under the terms of this Ordinance unless the location at which the business is sought to be established and maintained is a permitted use under the Comprehensive Zoning Ordinance of the city as of or after the effective date thereof.
5. Business Hours. It is unlawful for any person to sell, offer for sale, or deliver any beer, wine or mixed beverages, except within those hours as prescribed in Sections 105.03(b) and 105.05(b) of the Texas Alcoholic Beverage Code, as amended.
6. Specific Use Permit.
 - a. SUP Required. Except as specifically provided herein, no persons shall manufacture, sell, offer for sale, distribute or engage in any other activity for which a permit or license is required by the Texas Alcoholic Beverage Code within the City without first obtaining a Specific Use Permit to do so from the City. All of the provisions of the Specific Use Permit shall apply as per the City's Comprehensive Zoning Ordinance, as amended. In the event of a conflict between the general regulations governing Specific Use Permits and the provisions contained in this Section, the provisions of this Section shall control.
 - b. SUP Application. In order for a person to engage in the sale of alcoholic beverages, a formal application for a SUP shall be filed with the City Clerk with the appropriate fee established by the City. The City Clerk shall process the application by submitting to the Planning and Zoning Commission for their review and recommendation to the City Council for approval or disapproval. The Oak Point City Council will consider and approve or disapprove the granting of a SUP for the sale of alcoholic beverages.
 - c. Compliance with City Codes and Ordinances. Premises used for the sale or consumption of alcoholic beverages shall comply with all applicable City Codes as follows:
 - (i) Beer and Wine Only. A building utilized for the retail sale of beer and/or wine for off-premises consumption only shall be inspected and shall comply with all applicable local regulations, including, but not limited to, building codes, fire codes, plumbing codes, electrical codes and ordinances.
 - (ii) Mixed Beverages by Food and Beverage Certificate Holders: A building utilized for the retail sale of mixed beverages for on-premises consumption shall be inspected and shall comply with all applicable local regulations, including, but not limited to, building codes, fire codes, plumbing codes, electrical codes and ordinances.
 - (iii) Procedures Prior to Issuance of Permit: Before any certificate from the Texas Alcoholic Beverage Commission or other documentation of approval is signed by the City representative, such certificate or documentation shall be submitted to the City Clerk to assure (1) that the application complies with all provisions of this and all applicable ordinances; (2) that a SUP application is officially filed with the payment of applicable fees; (3) that proof is submitted that a representative of the Texas Alcoholic

Beverage Commission has approved the submittal of an application for license; and (4) that the Chief of Police/Director of Public Safety has reviewed the SUP application.

7. Criteria and Processing of SUP. The following general conditions apply to all Specific Use Permits (SUP) allowing the sale of beer and wine for off-premises consumption only and allowing the sale of mixed beverages by food and beverage certificate holders only:

- a. The Applicant must design and operate the establishment for which an SUP is sought in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or in the immediately surrounding area.
- b. The Applicant must comply with applicable licensing and permit provisions of the Texas Alcoholic Beverage Code, as amended from the date of the issuance of the SUP by the City Council.
- c. As required, the Applicant shall bear the burden of showing that the establishment does not exceed the limitation on gross receipts from the sales of alcoholic beverages applicable to its license and SUP. The Applicant shall maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
- d. The Applicant shall demonstrate that the granting of the SUP would not be detrimental to the public health, safety and/or welfare of the citizens of the City.
- e. The Applicant shall, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The Applicant shall consult with the Chief of Police/Director of Public Safety who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his/her obligation hereunder.
- f. The establishment shall provide adequate parking spaces to accommodate its employees and patrons, provided, however, that the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
- g. The Applicant shall operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment and in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners and in compliance with all applicable City ordinances and state laws.
- h. City Council may deny a SUP if it affirmatively determines that the issuance of such SUP is (a) incompatible with the surrounding uses or property or (b) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- i. A Specific Use Permit issued under this Ordinance runs with the property and is not affected by a change in the owner of [or] lessee of a permitted establishment; provided however, that the owner or lessee to whom the premises has been transferred shall within ten (10) business days of such transfer notify the City Clerk of such change in ownership or control of the premises for which the SUP was

issued.

j. All Specific Use Permits issued under this Ordinance shall be further conditioned that the same may be discontinued if the use for which the SUP was granted ceases to be operated at the permitted location for a minimum period of six (6) continuous months, or as otherwise provided for the revocation of SUPs, as outlined in the Comprehensive Zoning Ordinance, as amended.

8. Methods for Determining Distance Measurement.

a. Church or Public Hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and a church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

b. Public or Private School. The measurement of distance between the place of business where alcoholic beverages are sold and a public or private school shall be:

(i) In a direct line from the property line of the public or private school to the property line of the place of business and in a direct line across intersections.

9. Exception to Distance Requirements: Upon receipt of a request, the Planning and Zoning Commission will consider and make a recommendation to the City Council to consider an exception to reduce the distance requirement contained in Section B [subsection 2.] above and the City Council shall take final action on such recommendation based upon the criteria specified hereinbelow:

a. A Planning and Zoning Commission recommendation to reduce the distance requirement and final action of the City Council to allow such reduction shall be based upon the following: City Council may allow an exception upon proof by the Applicant that he/she meets the following criteria: (a) documented approval from surrounding property owners within the distance requirements for which the exception is sought; (b) proof of preliminary approval from the Texas Alcoholic Beverage Commission; (c) a determination by the City Council that the enforcement of the regulations in a particular instance is not in the best interest of the public; and (d) after consideration of the health, safety and welfare of the public and the equities of such regulation, the City Council determines that the exception is in the best interest of the community.

b. The City Council shall have the authority to grant an exception under this Section for temporary special events after review and recommendation by the Planning and Zoning Commission. For such events, both the Planning and Zoning Commission and the City Council shall consider: hours of the event, impact on surrounding area; estimated number of participants; personal and property security; duration and other health, safety and welfare considerations as deemed appropriate and necessary by the City Council.

c. No exception may be granted hereunder except after a public hearing for which notice has been given to owners of real property within 300 feet (or 1,000 feet if applicable) of the location of the proposed business or of the proposed location for temporary special event. Such notice must be given

not less than ten (10) days before the date set for hearing.

10. Possession or Consumption Prohibited in Certain Areas.

a. Athletic Fields, Parks, or Public Areas: It shall be unlawful for any person to possess an open alcoholic beverage container or consume any alcoholic beverage in any City-owned or City-controlled athletic field and all parking lots servicing such athletic fields except as specifically approved by the City Council, ordinance, or City Council approved policy which governs such conduct. It shall be unlawful for any person to possess an open alcoholic beverage container or consume any alcoholic beverage, as defined by the Texas Alcoholic Beverage Code, in any City-owned or City-controlled park, including reserved area(s) within any park, playground, recreation center or any other area in the City owned or used by the City and devoted to active or passive recreation, including all planted expressways, all parking lots servicing parks and public areas, parkways, triangles, and traffic islands maintained by the City except as specifically approved by the City Council, ordinance, or City Council approved policy which governs such conduct.

b. Schools and School Activities: It shall be unlawful for any person to possess an open container or consume any alcoholic beverage on a public street, public alley, or public sidewalk within 1,000 feet of the property line of a facility that is a public or private school, including a parochial school, that provides all or any part of pre-kindergarten through twelfth grade in the buildings or on the grounds of any public school in the City limits or at any school-related activity conducted within the City limits.

11. Miscellaneous Provisions: Reserved for Expansion.

(B) Industrialized/Modular Housing. In addition to any other applicable regulations in any district zoned for single-family residential use, industrialized/modular housing must comply with the following additional provisions. For purposes of this Section, "industrialized/modular housing" means industrialized/modular housing as defined by Section 1202.002 of the Texas Occupations Code, as amended.

(1) Industrialized/modular housing must have all local permits and licenses that are applicable to other single-family residential dwellings.

(2) Industrialized/modular housing must have a value equal to or greater than the median taxable value of each single-family residential dwelling located within 500 feet of the lot on which the industrialized/modular housing is proposed to be located, as determined by the most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph, the "value" of the industrialized/modular housing means the taxable value of the industrialized/modular housing and the lot after installation of the industrialized/modular housing.

(3) Industrialized/modular housing must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family residential dwellings located within 500 feet of the lot on which the industrialized/modular housing is proposed to be located. "Compatible" as used in this subparagraph means similar in application, color, materials, pattern, quality, shape, size, slope, and

other characteristics, but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The property owner or applicant may appeal a decision of the building official to deny a permit due to lack of compatibility to the Board of Adjustment.

(4) Industrialized/modular housing must comply with municipal aesthetic standards; yard, lot, and space regulations; subdivision regulations; landscaping; and any other regulations applicable to single-family residential dwellings.

(5) Industrialized/modular housing must be securely fixed to a permanent foundation.

State law references—Industrialized housing and buildings, V.T.C.A., Occupations Code, ch. 1202; municipal authority regarding industrialized housing and buildings, V.T.C.A., Occupations Code, sec. 1202.251 et seq.

(Ordinance 2005-04-1, secs. 3, 4, adopted 4/18/05; Ordinance 2005-04-7, sec. 2, adopted 4/18/05)

[Sec.] XIII. Certificate of occupancy.

A. A Certificate of Occupancy shall be required for any of the following:

(1) Occupancy and use of a building hereafter erected or structurally altered.

(2) Change in use of an existing building or land to a different use.

(3) Occupancy and use of otherwise vacant land.

(4) Any change in the use of a nonconforming use.

(5) Any change of ownership or occupancy of a residential dwelling unit, multifamily dwelling unit, residential dwelling units inside mobile home park districts or commercial buildings.

B. Procedure for New or Altered Buildings. Written application for a Certificate of Occupancy for a new structure or an existing structure which is being altered shall be submitted at the time of application for the appropriate building permit. No certificate shall be issued until the completed construction or alteration conforms with the provisions of all City Ordinances.

C. Procedure for Vacant Land, Change in Building Use, or Change in Use of a Nonconforming Use. Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a nonconforming use to a conforming use shall be submitted by the property owner. No certificate shall be issued unless the desired use conforms with the provisions of all City Ordinances.

D. Procedure for Change of Ownership or Occupancy. Upon change of ownership or a change of occupancy in a residential dwelling unit, multifamily dwelling unit, residential dwelling units inside a mobile home park district or commercial building, the owner, his agent or the occupant of such dwelling unit shall request a certificate of occupancy from the Building Official of the City of Oak Point. The Building Official or his authorized representative shall issue a certificate of occupancy stating that the residential dwelling unit, multifamily dwelling unit, residential dwelling unit inside a mobile home park district or commercial building complies with all federal, state and local requirements applicable to buildings and building projects or shall direct the owner to take such action as is required to bring the

building premises into compliance with such federal, state, and local requirements before it can be occupied. The fee for such inspection shall be established in the Fee Schedule contained in [Appendix "A"](#) of the Code of Ordinances.

E. Contents. Every Certificate of Occupancy shall identify the location, use, and the property owner and state that the structure and/or proposed use conforms to all provisions of City Ordinances.

F. Temporary Certificate. Pending issuance of a regular certificate, a temporary Certificate of Occupancy may be issued for occupancy during completion of alterations or partial occupancy during its completion. Such temporary certificate shall be valid for no more than 30 days. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered under this Ordinance. Failure to abide by conditions given under a temporary certificate shall be grounds for revocation.

G. Authority. The Building Inspector shall have authority of approval or denial of an application for a Certificate of Occupancy. Appeal regarding exercise of such authority shall be heard by the Board of Adjustment.

(Ordinance 2002-04 adopted 11/19/01; Ordinance 2004-04-03 adopted 4/19/04)

[Sec.] XIV. Nonconforming uses, structures and lots.

A. A nonconforming status shall exist only when:

1. A use or structure not conforming to the regulations prescribed herein, which was in existence and lawfully operating according to previous Zoning Ordinances or which was deemed a nonconforming use thereunder, prior to passage of this Zoning Ordinance.

2. The use or structure existed when the land occupied by the use or structure was annexed into the City and has continuously existed as a nonconforming use.

3. A lot or tract of land that was platted and filed of record prior to adoption of Zoning Ordinance No. 2002-04, and not currently in compliance with zoning size standards shall be deemed a nonconforming lot. It shall retain its status as a nonconforming lot or tract, if by replat the square footage within the lot or tract is increased, but not if square footage within the lot or tract is decreased.

B. No nonconforming use or structure may be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of this Ordinance.

C. Repairs and normal maintenance may be made to a nonconforming structure provided that no significant alteration shall be made except those required by law or ordinance, unless the structure is changed to a conforming use.

D. Any nonconforming use may be changed to a conforming use. Once such change is made, the use shall not be changed back to a nonconforming use.

E. For a conforming use located in a nonconforming structure, the use may be changed to another

conforming use through a Certificate of Occupancy.

F. Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall thenceforth be in conformity with this Ordinance. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming use for a period of at least 6 months and shall be construed as conclusive proof of intent to abandon the nonconforming use. Any nonconforming use which, not involving a permanent structure, is moved from the premises shall be considered to have been abandoned.

G. If the structure occupied by a nonconforming use is destroyed by any cause, it may not be rebuilt except to conform to the provisions of this Ordinance. In the case of partial destruction not exceeding 60% of its reasonable value, reconstruction shall be permitted.

H. The size or function of the nonconforming use shall not be expanded.

(Ordinance 2002-04 adopted 11/19/01; Ordinance 2005-12-02, sec. 2, adopted 12/19/05)

[Sec.] XV. Amendments and zoning changes.

Sec. 1. Intent.

a. Related to PD: To define the required process for adoption of an approved Detailed Development Plan as a formal PD.

b. Amendments to Zoning Ordinances: To define the required process for any other zoning change request.

Sec. 2. Authority to Amend Ordinance. The City Council may, after a final report by the Planning and Zoning Commission and properly held public hearings as required by law, amend, supplement, or otherwise change the provisions herein provided or the boundaries of the districts as specified on the Zoning Map. Amendments as such may be brought for consideration by order of the City Council, initiation by the Planning and Zoning Commission or as requested by the property owner or authorized representative of the property owner (proof of ownership and authorization may be required). In no case shall the City Council take action on any zoning request prior to recommendation by the Planning and Zoning Commission. An application on a proposed zoning change initiated by a property owner or authorized representative must be received at least 30 days in advance of the Commission meeting for consideration. The application must clearly identify the area under consideration by an appropriate legal description or metes and bounds and the current and proposed zoning. The application fee (according to [Appendix A](#), Article 15.000 [[Section A5.003](#)] of the Code of Ordinances of the City of Oak Point) shall be received at time of submission.

a. Non-single-family Residential Site Plan Requirements. All uses, with the exception of single-family residential, shall require review and approval of a Site Plan prior to issuance of building permits. The Site Plan process and approval shall consist of a Concept Plan review and approval and a Development Plan review and approval. All applications for review must be received 30 days prior to the appropriate Commission meeting. Review fees in compliance with the Code of Ordinances of the City of Oak Point,

Texas must be received with the application.

1) Concept Plan.

a) The Concept Plan application shall include the information listed below on a one-dimensional scaled drawing. The drawing shall include existing and proposed site conditions and improvements:

- 1) Site boundaries, bearings, dimensions, site acreage and square footage, and notation of distance from nearest street intersection.
- 2) Location map, north arrow, scale and title block identifying the site.
- 3) Topography at five-foot contours or less.
- 4) Natural features including tree masses, floodplains, drainageways, and creeks.
- 5) Proposed reclamation of floodplain area, if applicable, with acreage.
- 6) Property identification, current zoning, proposed zoning (if applicable) and description of land use.
- 7) Areas of special use within plan area.
- 8) Building sites (including maximum building intensity, density, height and use restrictions as appropriate). Illustration of the approximate shape and placement of buildings.
- 9) Public streets and private drives with pavement widths, right-of-way, median openings, turn lanes (including storage and transition space), and driveways (including those on adjacent property) with approximate dimensions.
- 10) Distances (edge to edge) between existing and proposed driveways and streets.
- 11) Existing and proposed easements.
- 12) Proposed dedications for public use or rights-of-way.
- 13) Phases of development, including areas, building sites, land use and other improvements to be constructed in individual phases.

b) The Planning and Zoning Commission shall review and make recommendation regarding approval and the City Council may approve, conditionally approve, table or deny a Concept Plan based on:

- 1) Compliance with the Comprehensive Plan and adopted design studies.
- 2) Compliance with the Zoning Ordinance and other applicable development regulations.
- 3) Impact on the natural resources of the area.
- 4) Effect on adjacent area property and land use.

c) Effect. Approval of a Concept Plan by the City Council constitutes authorization by the City for the property owner to submit an application for approval of a Development Plan subject to compliance with any condition attached to the approval of the Concept Plan. A Concept Plan shall not provide for variance from development regulations.

d) Lapse. If a Development Plan is not approved within one year of the approval of a Concept Plan, the Concept Plan shall become null and void.

2) Development Plan.

a) The Development Plan shall be in the same format and require the same information as the Concept Plan with the following additional requirements:

1) Site data summary tables, including:

a) Zoning

b) Proposed Use(s)

c) Lot Area, excluding right-of-way (square footage and acreage)

d) Building Area (gross square footage)

e) Building Height

f) Lot Coverage

g) Floor Area Ratio or number of dwelling units

h) Total Parking required and provided

i) Landscaping required and provided

j) Square footage of impervious surfaces.

2) Finished floor elevation of structures referenced to sea level datum.

3) Building locations, building size and dimensions, intensity, density, height, distances between buildings, building lines and setbacks.

4) Parking areas and structures, including the number and layout of standard spaces, angle of parking, handicap spaces, drive aisles, service areas, ramps, crosswalks, sidewalks, landscaping, screening, fire lanes, and refuse containers.

5) Utility connections, mains and lines, meter locations, hydrants, manholes, check valves by location and size.

6) Inlets, culverts or other drainage structures.

7) A project timeline.

8) Such additional terms and conditions, including design standards, as the Planning and Zoning Commission and City Council deem necessary.

b) Other Requirements. The following additional materials shall be approved prior to approval of the Development Plan.

1) Final plat or replat,

2) Zoning Change, if necessary,

- 3) Landscape Plan,
 - 4) Other plans as required by ordinance.
- c) The Planning and Zoning Commission shall review and make a recommendation regarding approval and the City Council may approve, conditionally approve, table or deny a Development Plan based on:
- 1) Conformance with the Comprehensive Plan and adopted design guidelines.
 - 2) Compliance with the Zoning Ordinance, other applicable regulations, and the approved Concept Plan.
 - 3) Effect on adjacent area property and land use.
 - 4) Provision of traffic control/mitigation, off-street parking, and service areas.
 - 5) Protection and conservation of soils from erosion.
 - 6) The adequacy of streets, water, drainage, sewerage facilities, garbage disposal, other utilities necessary for essential services to occupants and residents.
- d) Prior to recommendation or action, Planning and Zoning Commission and City Council shall hold public hearings with notification of such hearings in accordance with Section V.C.6 [sic] of this Ordinance. This public hearing requirement may be met by a joint hearing.
- e) Effect. Approval of a Development Plan by the City Council constitutes authorization by the City for the property owner to apply for the appropriate building permits. A Development Plan shall not provide for variance from development regulations.
- f) Lapse. Building permits may be submitted for no more than one year after the approval of a Development Plan.
- 3) Revocation. The City Council may revoke approval of a Concept or Development Plan if it determines that the conditions of the approval have not been met, if the plan contains materially incorrect information, or if approval is found to be secured through deceit or fraud.
- b. Single-family Residential. All applications for review must be received 30 days prior to the appropriate Commission meeting. Review fees in compliance with the Code of Ordinances of the City of Oak Point, Texas must be received with the application.

All requests for a zoning change in single-family residential districts shall include the following:

- 1) An application for zoning change request.
- 2) 15 copies of site plan.
- 3) Legal description or metes and bounds.
- 4) A north arrow.
- 5) Street names.

- 6) Location map.
- 7) Purpose of zoning change clearly defined.

c. Amendment process.

- 1) Amendment to the Zoning Ordinance to establish a PD may occur concurrently with the Detailed Development Plan submission.
- 2) At least twenty-one (21) days prior to the date of the Planning and Zoning Commission’s public hearing for a requested change to a zoning district or boundary, the property owner or his/her representative shall place a sign(s) on the subject property to provide notification of the zoning request. The sign(s) shall be placed on the property facing each adjacent street and each sign shall be placed within fifteen (15) feet of the front property line and be clearly legible from the adjacent street. The number of signs to be placed on the property shall be based on the following amounts amount of street frontage.

<u>Number of Signs</u>	<u>Amount of Street Frontage</u>
One (1) sign	Less than 500 feet
Two (2) signs	500 feet to 1,000 feet
Three (3) signs	Greater than 1,000 feet

The property owner or his/her representative shall maintain the sign(s) on the property until an ordinance approving the zoning is approved or the request is denied, at which time the owner or his/her representative shall have five (5) business days to remove the sign from the property.

- a. Properties within a platted single-family subdivision. The City will provide the appropriate number of zoning signs to the property owner. The property owner is responsible for posting the sign(s). In addition to paying a \$25 administrative fee, the property owner or his/her representative shall pay a deposit in an amount equal to the cost of each sign to be held by the City until the sign(s) are returned.
- b. Owners of all properties other than properties within a platted single-family subdivision. The property owner or his/her representative is responsible for obtaining and posting the appropriate number of zoning signs designed in accordance with the City’s standards.

3) Public Hearing and Notice.

- a. Amendments to Zoning Regulations. Both the Planning and Zoning Commission and City Council shall conduct a public hearing on a proposed amendment to the Zoning Ordinance. Prior to making its report to the City Council, the Planning and Zoning Commission shall hold at least one public hearing on the proposed amendment. Notice of the public hearings to be conducted by the Planning and Zoning Commission and City Council must be published in the City’s official newspaper before the 15th day

before the date of the hearings.

b. Amendments to Zoning Districts or Boundaries. Both the Planning and Zoning Commission and City Council shall conduct a public hearing on requested changes to a zoning district or boundary. Prior to making its report to the City Council, the Planning and Zoning Commission shall hold at least one public hearing on an application for a zoning change. Before the 10th day before the date of the hearing conducted by the Planning and Zoning Commission, the owner (as indicated on the adopted property tax roll) of any property within 200 feet of the property shall be notified by first class US Mail of the public hearing. Each property owner within 500 feet shall be notified in the same manner when a zoning request involves a platted single-family lot with zoning that specifies a minimum lot size of one acre or greater. Notice of the public hearing to be conducted by the City Council must be published in the City's official newspaper before the 15th day before the date of the hearing. Joint hearings before both the Planning and Zoning Commission and City Council are hereby authorized.

4) Failure to Appear. The Planning and Zoning Commission may refuse to consider a zoning application for lack of representation, if the applicant or representative is not present at any hearing before the Planning and Zoning Commission.

5) Commission Consideration and Report. After closing the public hearing, the Planning and Zoning Commission shall make a recommendation to Council on the proposed change stating findings and evaluation of request with respect to the Zoning Ordinances, Land Use Plans, and/or Comprehensive Plans existing at the time of submission.

In making a recommendation, the Planning and Zoning Commission shall consider the following factors:

- a) Whether the uses permitted by the proposed change will be appropriate in the immediate area of concern and their relationship to the general area and the City as a whole.
- b) Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- c) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
- d) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- e) How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.
- f) Any other factors which will substantially affect the health, safety, morals, or general welfare of the citizens of Oak Point.

6) City Council Consideration.

- a) An amendment acted upon by the Planning and Zoning Commission shall be forwarded to the City Council for action.
- b) A request recommended for denial by the Planning and Zoning Commission shall require a 3/4 majority vote of the City Council for approval.
- c) If a proposed change to a regulation or boundary is protested in writing by the owners of at least 20 percent of either 1) the area of the lots or land covered by the proposed change or 2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the City Council.
- d) In denying approval of a zoning change request by a property owner, the Council may further consider denial with prejudice. No submission will be accepted for a property for at least six months from the date of a denial with prejudice.
- e) No change shall become effective until after the adoption of an ordinance for the same and its publication as required by law.

An approved amendment to the Zoning Ordinance shall be duly noted on the Zoning Map and incorporated into these regulations as appropriate.

(Ordinance 2002-04 adopted 11/19/01; Ordinance 2002-07 adopted 3/18/02; Ordinance 2006-10-3, sec. 2, adopted 10/16/06; Ordinance 2011-03-319, sec. 3, adopted 3/21/11)

[Sec.] XVI. Board of adjustment.

A. Creation and Organization.

1. There is hereby created a Board of Adjustment consisting of five (5) members and up to two (2) alternate members to be appointed for terms of two (2) years. Members and alternates will be residents of the City nominated by the Mayor and City Council and appointed by the City Council. Terms shall expire on July 15 of each year. Members may be reappointed for additional terms.
2. The Board of Adjustment shall elect a chairperson and vice chairperson from the members of the Board at the first meeting following July 15. The chairperson shall serve as presiding officer for a period of one year and may be reappointed for additional terms. In the absence of the chairperson, the vice chairperson shall assume all duties of the chairperson.
3. The City Council may remove a board member for cause on a written charge after a public hearing. Any member failing to attend three (3) consecutive meetings of the Board may be removed by City Council action.
4. A vacancy on the Board shall be filled for the unexpired term. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.
5. The initial membership shall be appointed in staggered terms with two members being appointed

for one year and three members being appointed for two years. Alternates shall also be appointed for staggered terms.

6. Alternate members serve in the absence of one or more regular members when requested to do so by the mayor or city manager. Alternate members are subject to removal in the same manner as a regular member.

B. Conduct of Business.

1. Each case before the Board of Adjustment must be heard by at least 75 percent of the members.

2. The Board, by majority vote, shall adopt rules of procedure in accordance with State Law and any other ordinance adopted by the City Council.

3. Meetings of the Board are held at the call of the presiding officer and at other times as determined by the Board.

4. The presiding officer or acting presiding officer may administer oaths and compel the attendance of witnesses.

5. All meetings of the Board shall be open to the public and shall comply with the requirements for open meetings.

6. The Board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The Board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the Board's office and are public records.

C. Authority of the Board.

1. The Board of Adjustment may:

a. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance or an ordinance adopted by the governing body;

b. Hear and decide special exceptions to the terms of the Zoning Ordinance when the ordinance requires the Board to do so;

c. Authorize in specific cases a variance from the terms of the Zoning Ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done; and

d. Hear and decide other matters authorized by an ordinance adopted by the City Council.

2. In exercising its authority under Subsection C.1, the Board may reverse or affirm, in whole or in part, or modify an administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that

purpose the Board has the same authority as the administrative official.

3. The concurring vote of 75 percent of the members of the Board is necessary to:
 - a. Reverse an order, requirement, decision, or determination of an administrative official;
 - b. Decide in favor of an applicant on a matter on which the Board is required to pass under the Zoning Ordinance; or
 - c. Authorize a variation from the terms of a Zoning Ordinance.

D. Appeal to Board.

1. Any of the following persons may appeal to the Board of Adjustment a decision made by an administrative official:
 - a. A person aggrieved by the decision; or
 - b. Any Officer, Department, Board or Bureau of the municipality affected by the decision.

The appellant must file with the Board and the official from whom the appeal is taken a Notice of Appeal specifying the grounds for the appeal. The appeal must be filed within fifteen (15) calendar days of the decision. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record of the action that is appealed.

2. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the official, if due cause is shown.

3. The Board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The Board shall decide the appeal within a reasonable time.

E. Judicial Review of Board Decision.

1. Any of the following persons may present to a court of competent jurisdiction a verified petition stating that the decision of the Board of Adjustment is illegal in whole or in part and specifying the grounds of the illegality:
 - a. A person aggrieved by a decision of the Board;
 - b. A taxpayer; or
 - c. An officer, department, board, or bureau of the municipality.
2. The petition must be presented within 10 days after the date the decision is filed in the Board's office.

F. Waiting Period.

1. No appeal to the Board of Adjustments shall be allowed on the same piece of property or on the same or similar question prior to the expiration of one (1) year from the date of a ruling of the Board of Adjustment on any appeal to such body unless property in the same zoning area shall have, within such one (1) year period, been altered or changed by a ruling of the Board of Adjustment, in which each [case] such change of circumstances shall permit the allowance of an appeal.

2. The Board of Adjustment may deny any variance without prejudice pursuant to Board of Adjustment Rules of Procedure.

(Ordinance 2002-04 adopted 11/19/01; Ordinance 2009-10-01 adopted --/09; Ordinance 2012-10-352 adopted 10/15/12)

State law reference—Establishment and authority of zoning board of adjustment, V.T.C.A., Local Government Code, sec. 211.008 et seq.

[Sec.] XVII. Definitions.

Abandoned/Abandonment. A property shall be considered abandoned or subject to abandonment if there exists the voluntary act of the user and/or owner to discontinue a use for a period of one hundred eighty (180) consecutive days or more or if the facts show the owner's intent to discontinue the use or activity and the discontinuance of the use continues for six or more continuous months.

Accessory Structure. A subordinate structure or portion of the main structure located on the same lot as the main structure, the use of which is incidental to the dominant use of the building or premises. Accessory structures include, but are not limited to, parking garages, barns, storage buildings, well houses, gazebos, ponds, and/or pools.

Accessory Use. A use customarily incidental, appropriate and subordinate to the principal use of land or structure(s) located upon the same lot.

Amusement, Indoor. A commercial use, taking place in a structure, which is for the purpose of entertainment including: movie and stage theaters, arcades and billiards, skating arenas, bowling alleys, health clubs, comedy clubs, and similar uses. This specifically excludes sexually oriented uses.

Athletic Stadium/Field. Field(s) and associated structures used for sporting events with associated spectator seating.

Automobile. A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to: passenger cars, trucks, buses, motor scooters and motorcycles.

Automobile Service Garage. A commercial use involving the maintenance of automobiles, including: oil change, lubrication, brake service, tire service, or accessory installation or similar minor maintenance services.

Banking, Drive-up Service. A commercial use involving the custody, loan, exchange or issuance of money, extension of credit, transmission of funds or other financial services, including the provision of

service by drive-up window or similar facility. This specifically excludes uses defined under Check Cashing or Pawnbroker.

Banking, Offices. A commercial use involving the custody, loan, exchange or issuance of money, extension of credit, transmission of funds or other financial services. This specifically excludes uses defined under Check Cashing or Pawnbroker.

Bed and Breakfast. A commercial use involving the provision of lodging and service of dining for lodging guests.

Board of Adjustment. A group appointed by the City Council of the City of Oak Point to hear and decide appeals of decisions regarding the Zoning Ordinance and requests for variances of the Zoning Ordinance regulations.

Building Line. A line parallel to a property line at the specific distance therefrom marking the minimum distance from the property line that a structure may be erected.

Cemetery. Property used for the interring of the dead.

Certificate of Occupancy. An official certificate issued by the City indicating conformance with zoning, building, and other regulations, authorizing legal use of the premises for stated purposes. This may include a conditional approval contingent on completion of special work or repair.

City. References to the City shall mean the City of Oak Point.

City Council. The governing body of the City of Oak Point.

Commercial. A category of districts intended for the exchange of goods and services.

Community/Outreach Center. A structure or complex of structures that provides cultural, recreational, athletic, entertainment or civic services that is owned and operated by a governmental or private nonprofit agency.

Comprehensive Plan. Policies in graphic and/or textual form which govern the future development of the City consisting of various components governing special geographic areas and functions and services of the City.

Corner Lot. A lot or parcel of land abutting upon two (2) or more streets at their intersection.

Deck. An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports.

Dedicated Off-Street Parking. A 9-foot wide by 20-foot deep area specifically designated and used for on-site parking.

Density. The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located. Density calculations exclude rights-of-way of streets, dedicated parkland, dedicated open space, and designated floodplain areas.

District. Any section or sections of the City for which the regulations governing the use of land and the use, density, bulk, height and coverage of structures are uniform for each class or kind of building thereon.

Double Frontage. A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Dry Cleaning Shop. An apparel cleaning shop or pickup station not exceeding a total of 6,000 square feet of floor area, including but not limited to dry cleaning plants having no more than 1,500 square feet of floor area for dry cleaning equipment.

Dwelling. Any structure or portion thereof, which is designed or used as a living quarters for one or more families, with the exclusion of manufactured housing.

Dwelling Area. The gross usable floor area contained in the main structure provided heating/air conditioning, but excluding attached garage area containing required parking.

Dwelling, Model Unit. A single-family dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings to be contained in the subdivision.

Dwelling, Single-family. A detached dwelling designed to be occupied by not more than one family.

Easement. A grant of one or more of the property rights by the property owner to and for use by the public, a corporation, or another person or entity.

Equipment. Machinery or other implements used for operation or completion of an activity or use whether incidental to the primary use or not.

Extraterritorial Jurisdiction (ETJ). As defined by the Local Government Code, the area located outside the City limits within the prescribed legal distance and authority of the City.

Facade. Any separate face of a structure, including parapet walls and omitted wall line, or any part of a structure which encloses or covers usable space. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered part of a single facade.

Family. One or more persons related by blood, marriage, or adoption, or a group not to exceed 4 persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living as a single housekeeping unit.

Floodplain. An area of land subject to inundation by a 100-year frequency flood, as shown on the FEMA floodplain map of the City of Oak Point.

Floor Area. The total gross square feet of floor space within the outside dimensions of a structure including each floor level, but excluding carports, residential garages, and breezeways.

Floor Area Ratio. The gross enclosed usable floor area of a main structure on a lot divided by the lot

area.

Funeral Home/Mortuary. A commercial use providing burial preparation, memorial or visitation services relating to the deceased.

Garage, Accessory. An enclosed accessory building used for the storage of automobiles and used solely by occupants.

Government Centers/Services/Offices. Any structure or use owned or operated by a governmental agency.

Greenhouse/Nursery. A commercial use providing sale of plants, trees, shrubs, or related materials, which may be grown on-site.

Grocery Store/Food Market. A commercial use providing retail sale of general consumable and sundry items including unpackaged or on-site packaged produce, meats, prepackaged, or similar items.

Height. The distance from ground level to the greatest point of elevation on a structure (exclusive of chimneys, which may extend above such height by the minimum distance required by adopted building code).

Home Occupation. An occupation, which is secondary to the primary use of a dwelling as a residence, conducted on residential premises solely by an occupant of the residence. Examples of home occupations may include, but are not limited to, accountants, artists, attorneys, home cosmetic sales, piano teachers, photographers, seamstress, therapists, tutors, and website designers.

Incidental Use. Any use different from the primary use, but which complements and/or supplements the primary use. Incidental shall mean an area which constitutes not more than 15% of the main use. No incidental use may be applied without existence of the main use or structure.

Industrialized/Modular Housing. Industrialized/modular housing as defined by Section 1202.002 of the Texas Occupations Code, as amended.

Installed (Landscape). Landscape is considered installed when it has been placed permanently in the ground according to an approved landscape plan.

Landscaping. Materials such as, but not limited to, grass, groundcovers, shrubs, vines, hedges, trees, and other non-living durable material conventionally used in the practice of landscaping and improvement, such as, but not limited to, brick, rocks, pebbles, sand, walls, or fences, but excluding paving.

Large Tree. Tree with a minimum 4-inch caliper measured at 4 feet above natural soil level.

Loading Space. An off-street space or berth used for the delivery and loading or unloading of vehicles.

Lot. Any plot of land occupied or intended to be occupied by structures and/or uses and having its principal frontage on a public street or other approved place.

Lot Coverage. The amount of the lot used for placement of structures or other improvements not including landscaping.

Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Denton County, or a lot subdivided by metes and bounds description prior to February 1984.

Lot, Area. The total area, measured on horizontal plane, included within lot lines.

Lot, Corner. A lot which has at least 2 adjacent sides abutting their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot, Depth. The mean horizontal distance between the front and rear lot lines, excluding easements.

Lot, Width. The horizontal distance measured between side lot lines parallel to the front lot line along the front building line, excluding easements.

Main Structure. The structure containing the primary use of a property.

Major Thoroughfare. Any street designated as such on an approved Thoroughfare Plan, but otherwise including any state or federal highway, Naylor Road, Yacht Club Road, and McCormick Road.

Manufactured Housing. Any dwelling unit more than 50% constructed off-site and which meets HUD-Code Manufactured Housing standards.

Masonry. Exterior construction materials including brick, stone, granite, marble, tinted split face concrete block, and/or 1" stucco.

Mass Grading (Clear-Cutting). Removal of 25% of trees and/or shrubs, other than for the preservation and health of existing large trees, in an area larger than 5% of a given lot, including successive removals within 12 months.

Medical/Dental/Optical Office. A facility or grouping of offices for one or more physicians for the examination and treatment of ill and afflicted outpatients provided patients are not kept overnight.

Nonconforming use. A structure or use lawfully occupied at the time of the effective date of this ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

Non-Single-Family (Residential) District or Use. Any district or use not specifically zoned for a single-family residential use.

Occupancy. The use or intended use of a structure or property by the owner or tenant.

Open Storage. The keeping, displaying or storing of any new or used goods, materials, merchandise, or equipment not within a structure or behind an appropriate screen, for longer than 24 hours.

Organizational Clubhouse/Lodge. A use providing a meeting place for a group of members, not including overnight lodging or other non-incidentals uses.

Park. An area of public or limited public use for recreation and leisure operated by a public or nonprofit agency.

Parking Lot. An off-street, ground level area, surfaced and improved for the purposes of temporary placement of automobiles.

Planning and Zoning Commission. A group of residents appointed by the City Council of the City of Oak Point as an advisory board authorized to recommend changes in zoning and other functions as otherwise assigned by the Mayor or City Council.

Plat. A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with subdivision standards of the City of Oak Point, and with approval of the City Council and filed in the plat records of Denton County.

Plot. A single unit or parcel of land that can be identified and referenced to a recorded plat or map as filed in the plat records of Denton County.

Pond. An accessory use for the in-ground storage of water in an excavated area for ornamental, livestock, irrigation and/or drainage purposes.

Pool. An accessory use and structure for storage of water for recreational or leisure purpose including decking or surrounding improved surfaces.

Premises. A property, structure, or use.

Printing. A commercial use involving the application of ink or similar materials to paper or similar materials for production of publications.

Professional/Non-Inventory Sales/Services. A commercial use providing services or sale of goods locate[d] off-site.

Religious or Philanthropic Organizations. A use providing facilities for nonprofit organizations to regularly assemble for exercise of faith or pursuit of societal improvement. This definition specifically excludes home, religious, or bible studies, prayer groups, or other similar gatherings.

Resale or Secondhand Sales. A commercial use providing for the sale of any general consumer good previously owned, sold, or purchased.

Residence. A dwelling place.

Residential. A category of districts for the development of dwelling units.

Restaurant. A commercial use providing dining facilities for customers to dine on-site or carry out.

Restaurant, with Drive-Through/Drive-In. A commercial use providing eating facilities for customers, including such service through a drive-up window or at a drive-in bay.

Retail Sales/Services. A commercial use providing the selling of goods or materials to the general public for personal or household consumption and other incidental services.

Room Unit. An individually walled or separated segment of structure used primarily for a sleeping area.

Sign. Any device, flag, banner, light, figure, picture, letter, word, message, symbol, plaque, poster,

display, design, painting, drawing, or other thing visible from outside the premises on which it is located and that is designed, intended or used to inform, to advertise, or to attract the attention of persons not on those premises.

Sign, Attached. Any sign attached to, applied on, or supported by, any part of a structure which encloses or covers usable space, with the exception of any window sign.

Sign, Monument. Any detached sign which is monolithic or semi-monolithic in construction and being made of masonry, concrete materials as a base and with no separation between the base of the sign and natural grade.

Sign, Movement Control. A sign conveying a message which directs vehicular or pedestrian movement onto or within the property where the sign is located and contains no advertising identification messages.

Sign, Off-Premise Sign. Any sign displaying advertising information that pertains to a business, person, organization, activity, event, place, service, or product not located or manufactured principally on the premises which the sign is located.

Sign, Pole. Any detached sign which is not a monument sign.

Sign, Protective. Any sign conveying a message regarding limitations or warnings about the premises (i.e. No Trespassing, No Soliciting, Beware of Dog).

School (Private/Parochial). A school under the sponsorship of a private agency or corporation and having a curriculum generally equivalent to a public school. This definition specifically excludes home schools.

School (Public). A school under the sponsorship of a public agency.

Sexually Oriented Uses. Sexually oriented uses as defined under City of Oak Point Ordinance 99-06 ([Appendix F](#)) as it exists or may be amended.

Significantly Altered. Construction of any addition that increases the gross enclosed square footage of the main structure by more than 25%, impacts more than 25% of existing gross enclosed square footage, increases or decreases the value of the property more than 25%, or if the value of the alterations are more than 25% of the existing value.

Stacking Space. An area to allow vehicles to queue on-site.

Story. That portion of a building, other than a basement included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the highest structural point above it. The average height for all stories of a structure shall be 12 feet.

Street. Any dedicated public roadway providing access to abutting property.

Street, Intersection. Any street which joins another street at an angle whether it crosses it or not.

Structural Alterations. Any change in the supporting members of a structure, such as bearing walls or

partitions, columns, beams, or girders, or any substantial change in the roof or exterior walls.

Structure. Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground.

Studio, Instructional/Artistic. A commercial use involving the provision of space for teaching of or practice of an art or skill otherwise not defined as a special use.

Temporary Field Construction Office. A structure used in connection with a development or construction project for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project.

Variance. An adjustment in the application of the regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship, not self-imposed, peculiar to the particular parcel, is necessary to prevent the property from being deprived of right and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment of the City of Oak Point can grant a variance.

Vehicle. Any motor vehicle, trailer, watercraft, or other device requiring state licensure or similar device.

Veterinary Services (no outside pens). A commercial use where animals are medically treated, housed, groomed, boarded, or trained not including pens located outside a structure.

Yard. An open space at grade between a structure and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. Except where otherwise specifically provided in this Ordinance, a structure may not be located in a portion of the required yard for a main structure.

Yard, Front. A yard located in the front elevation of a structure and extending across a lot between the side lot lines and being the minimum horizontal distance between the front property line and the outside wall of the main structure.

Yard, Rear. The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building.

Yard, Side. The area between the building and the side line of the lot and extending from the front to rear lot line and being the minimum horizontal distance between a side lot line and the closest outside wall of the side of the main building unless otherwise provided in this Ordinance.

Zoning Map. The official map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of the Zoning Ordinance.

(Ordinance 2002-04 adopted 11/19/01; Ordinance 2004-11-2, sec. 6, adopted 11/15/04; Ordinance 2005-02-4, sec. 3, adopted 2/21/05; Ordinance 2005-04-7, sec. 4, adopted 4/18/05; Ordinance 2006-8-03, sec. 2, adopted 8/21/06; Ordinance 2013-02-357, sec. 2, adopted 2/19/13)

[Sec.] XVIII. Penalty.

Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00) and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense; provided however, such penal provision shall not preclude a suit to enjoin such violation. (Ordinance 2002-04 adopted 11/19/01)

[Sec.] XIX. Severability.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance, and that the City Council hereby declares it would have passed the remaining portions even though it had known the affected parts would be held unconstitutional. (Ordinance 2002-04 adopted 11/19/01)

[Sec.] XX. Repealer.

That this Ordinance shall be cumulative of all other ordinances of the City affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that Chapter 12 Exhibit A of the City of Oak Point Code of Ordinances is hereby repealed in its entirety, but provided and except that any complaint, action, cause of action or claim which prior to the effective date of this Ordinance has been initiated or arisen under or pursuant to the said repealed Ordinance shall continue to be governed by the provision(s) of that Ordinance and for that purpose only Chapter 12 Exhibit A of the City of Oak Point Code of Ordinances shall be deemed to remain in full force and effect. (Ordinance 2002-04 adopted 11/19/01)

[Sec.] XXI. Estoppel.

The failure of the City of Oak Point to enforce any term or condition of this Ordinance shall not constitute a waiver on [of] any subsequent violation of this Ordinance. (Ordinance 2002-04 adopted 11/19/01)

[Sec.] XXII. Publication.

In accordance with provisions of the Local Government Code, the City Secretary shall publish required notice of the passage of this Ordinance. (Ordinance 2002-04 adopted 11/19/01)

[Sec.] XXIII. Effective date.

All provisions of this Ordinance shall become effective upon passage and publication in accordance with the provisions of the Local Government Code. (Ordinance 2002-04 adopted 11/19/01)

APPENDIX A. ZONING MAP

Resale or Secondhand Sales									S	S
Sale of Mixed Beverages in Restaurants by Food and Beverage Certificate Holders Only									S	S
School (Private/Parochial)	S	S	S	S	S	S	S	S	S	S
School (Public)	S	S	S	S	S	S	S	S	S	S
Studio, Instructional/Artistic									*	*
Utility Grid Wind Energy Systems										
Veterinary Services (no outside pens)	S								*	*
Wind Energy Systems	S	S	S	S	S	S	S	S	S	S
Other Unspecified Uses	S	S	S	S	S	S	S	S	S	S
Other Unspecified Commercial Uses									S	S

(Ordinance 2005-04-01, sec. 2, adopted 4/18/05; Ordinance 2005-04-07, sec. 3, adopted 4/18/05; Ordinance 2006-03-01, sec. 4, adopted 3/20/06; Ordinance 2007-02-03, sec. 3, adopted 2/19/07)

APPENDIX C. APPROVED LANDSCAPE MATERIALS

Large/Shade Trees

Common Name

Botanical Name

Bald Cypress

Taxodium distichum

Bur Oak

Quercus macrocarpa

Cedar Elm

Ulmus crassifolia

Chinese Pistache

Pistachia chinensis

Cinquapin Oak

Quercus muehlenbergii

Common Persimmon	<i>Diospyros virginiana</i>
Escarpment Live Oak	<i>Quercus fusiformis</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Osage Orange	<i>Maclura pomifera</i>
Pecan	<i>Carya illinoensis</i>
Shumard Oak	<i>Quercus shumardii</i>
Southern Live Oak	<i>Quercus virginiana</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Sweet Gum	<i>Liquidambar styraciflua</i>
Texas Ash	<i>Fraxinus texensis</i>
Texas Red Oak	<i>Quercus texana</i>

Living Screen

Common Name

Botanical Name

Burford Holly	<i>Ilex cornuta</i> 'Burfordi'
Cherry Laurel	<i>Prunus caroliniana</i>
Cryptomeria	<i>Cryptomeria japonica</i>
Junipers	<i>Juniperus</i> sp.
NRS Holly	<i>Ilex aquifolium</i> 'Nellie R. Stevens'
Tree Form Holly	<i>Ilex opaca</i> AIT or <i>Ilex pernyi</i>
Vitex	<i>Vitex agnus-castus</i>

Dwarf Burford Holly	Ilex cornuta
Ebbings Silverberry	Eleagnus x ebbengei
Junipers	Juniperus sp.
Nandina	Nandina domestica
Red-tip Photinia	Photinia x fraseri
Texas Sage	Leucophyllum frutescens
Variegated Chinese Privet	Ligustrum sinense

All other trees, plants, or shrubs in accordance with an approved Landscape Plan.

APPENDIX D. SPECIFIC USE PERMITS TABLE

CITY OF OAK POINT
SPECIFIC USE PERMITS

SUP Number	Description	Ordinance No.
S 5	Accessory Structure 1170 Emerald Sound	2004-03 adopted 10/20/03
S 6	Accessory Structure 632 Martingale	2003-12-1 adopted 12/15/03
S 7	Accessory Structure 830 Oak Meadow Ct.	2003-12-2 adopted 12/15/03
S 8	Accessory Structure 720 Eagles Landing	2004-03-2 adopted 3/15/04
S 9	Accessory Structure 540 Aqua Marine Drive	2004-06-01 adopted 6/21/04
S 10	Accessory Structure 307 Highland	2004-09-04 adopted 9/20/04

S 11	Accessory Structure 631 Martingale	2005-05-3 adopted 5/16/05
S 12	Accessory Structure 1001 Coral Cove	2005-06-3 adopted 6/20/05
S 13	Accessory Structure 1206 Lakeshore	2005-08-04 adopted 8/15/05
S 14	Accessory Structure 639 Martingale	2006-2-01 adopted 2/20/06
S 15	Church Use 101 Naylor	2006-5-1 adopted 5/15/06 2013-08-364 adopted 8/19/13
S 16	Accessory Structure 1170 Oak View Court	2006-7-1 adopted 7/17/06
S 17	Accessory Structure 1116 Lakeshore	2006-12-5 adopted 12/18/06
S 18	Accessory Structure 455 Victory Circle	2006-12-6 adopted 12/18/06
S 19	Accessory Buildings Lot 6, Trailwood Subdivision	2007-05-01 adopted 5/21/07
S 20	Accessory Building 880 Oak View Drive	2010-11-309 adopted 11/15/10
S 21	Accessory Building 640 Diamond Point Drive	2010-11-310 adopted 11/15/10
S 22	Accessory Building 1207 Cedar Pine Lane	2010-02-01 adopted 2/15/10

S 23	Accessory Building 504 Bronco Trail	2010-06-300 adopted 6/14/10
S 24	Accessory Building 430 Aqua Marine Drive	2010-09-304 adopted 9/20/10
S 25	Accessory Building 225 Yacht Club Road	2012-05-345 adopted 5/21/12
S 26	Accessory Building 505 McCormick Road	2013-03-360 adopted 3/18/13
S 27	Accessory Building Block A, Lot 1 of the Ditmer Addition	2013-09-366 adopted 9/16/13
S 28	Accessory Building Block A, Lot 9 of the Gates of Waters Edge	2013-12-372 adopted 12/16/13
S 29	Day Care/Preschool Center 301 Shahan Prairie Road	2014-02-376 adopted 2/18/14
S 30	55-Foot Amateur Radio Antenna 580 Pearl Cove	2014-09-390 adopted 9/15/14
S 31	Stable Lot 14 of Hunters Ridge Addition	2014-10-391 adopted 10/20/14
S 32	Accessory Building Lot 358, Emerald Sound at Lake Lewisville Addition	2015-05-401 adopted 5/18/15
S 33	Accessory Building Lot 358 in the B. Eaves Survey, Abstract No. 388	2015-10-407 adopted 10/19/15

S 34	Public School/Associated School Uses G. Daniel Survey, Abstract No. 311	2016-01-409 adopted 1/18/16
S 35	Accessory Building Lot 107, Section 2 Eagles Landing Addition	2016-06-417 adopted 6/20/16
S 36	Accessory Building Tract 22A, Fox Hollow Farms	2017-12-443 adopted 12/18/17

APPENDIX E. APPROVED PLANNED DEVELOPMENT DISTRICTS

P.D. NO. 1

SECTION 1

A. Regulations set forth in this section are the district regulations for PD No. 1 known as Eagles Landing at Lake Lewisville.

B. Definitions: For the purpose of these District Regulations, the Definitions set forth in Article III of the City of Oak Point's Zoning Ordinance [Ordinance 270] shall apply either as presently set forth or revised in the future.

(Ordinance 270.12 adopted 1/5/93)

SECTION 2

A. Use Regulations

In this district, no buildings or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, except for one or more of the following uses:

1) The above stated restriction as to 2,500 square feet of living area shall be effective as of February 8, 2000 and applicable to any new dwelling for which plans and specifications are submitted on or after February 8, 2000; provided however, that the restriction shall be at least 1,800 square feet of living area, excluding porches and garages, in the case of

(i.) a dwelling on a tract on which a dwelling has not previously been constructed if the Owner of the tract acquired the tract before February 8, 2000, OR

(ii.) a dwelling on a tract for which plans and specifications are submitted prior to February 8, 2000 (regardless of a change in ownership after submission of the plans) provided that the dwelling is constructed substantially in accordance with such plans and specifications.

In the event of fire or other damage to the dwelling, the dwelling shall be permitted to be rebuilt to at least the square footage requirements existing at the time the dwelling was initially constructed.

(Ordinance 270.12.1 adopted 2/8/00)

- 2) Not more than one each detached garage, workshop, and barn may be constructed so long as they are of good construction, kept in good repair, and are not used for residential purposes.
- 3) Water utility pump stations, other utility uses other than distribution and service installations, and recreational uses provided the site plan for said use is approved by the City of Oak Point Planning Commission and City Council.

B. Area Regulations

In this district, the minimum dimension of lots and yards, and the minimum lot area per family shall be as follows:

- 1) Lot Area: The minimum lot area in this district shall be one acre.
- 2) Front Yard: There shall be a front yard having a depth determined as follows:
 - a) For lots with areas of 5 acres or less: 50 Feet
 - b) For lots with areas in excess of 5 acres: 100 Feet
- 3) Side Yard: The minimum distance from the side building line to the property line shall be as follows:
 - a) For lots with areas of 5 acres or less: 20 Feet
 - b) For lots with areas in excess of 5 acres: 50 Feet

The sum of the side yard dimensions on any lot measured along the front building line shall be not less than twenty-five percent of the total width of the lot at the building line.

- 4) Rear Yard:
 - a) For lots with areas of 5 acres or less: 20 Feet
 - b) For lots with areas in excess of 5 acres: 50 Feet
- 5) Width of Lot: The minimum width of lot shall be determined as follows:
 - a) For lots with areas of 5 acres or less: 130 Feet
 - b) For lots with areas of 5 acres or more: 240 Feet.

The width of the lot shall be measured at the building line.

- 6) Height Regulations: The maximum height shall be two and one-half (2-1/2) stories, but not to exceed thirty (30) feet per dwelling; provided that the dwelling or other building or portions of building other than accessory buildings may be erected higher than thirty-five (35) feet if the portions exceeding thirty-five (35) feet set back from all required yard lines two (2) feet for each one (1) foot in height above said thirty-five (35) foot limit; provided, however, that no building shall have a height of more than fifty (50)

feet. Height limit for any accessory building shall be twenty-five (25) feet.

(Ordinance 270.12 adopted 1/5/93)

P.D. NO. 2

SECTION - 1 ORDINANCE 270

A. Regulations set forth in this section are the district regulations for PD No. 2 described as all of that parcel of land out of the R.J. Mosley Surrey Abstract No. 803 and the Bares Eaves Survey No. 388 situated in Denton, County, Texas containing approximately 602.77 acres conveyed from Patten Corporation to Properties of the Southwest dated 10/19/1992 recorded in Volume 3414 Page 872 which lies within the city limits of Oak Point known as Emerald Sound at Lake Lewisville.

B. Definitions: For the purpose of these district regulations, the definitions set forth in Article III of the City of Oak Point Zoning Ordinance [Ordinance 270] shall apply either as presently set forth or revised in the future.

(Ordinance 270.13 adopted 6/16/93)

SECTION - 2 ORDINANCE 270

A. Use Regulations

In this district, no buildings or land shall be used and no building shall be hereafter erect, reconstructed, altered or enlarged, except for one or more of the following uses:

1. Single-family dwellings built after 2/25/1997 shall have a minimum floor area of 2,000 square feet living area under heat and air (measured exclusive of garage), except that the minimum shall be two thousand five hundred (2,500) square feet on Tracts 174-195.

(Ordinance 270.13.1)

2. Not more than one each detached garage [garage], workshop and barn may be constructed so long as they are of good construction, kept in good repair and are not used for residential purposes.

3. Water utility pump stations, other utility uses other than distribution and service installations and recreational uses provided the site plan for said use is approved by the City of Oak Point Planning and Zoning Commission and City Council.

SECTION - 3 ORDINANCE 270

In this district, the minimum dimension of lots and yards, and the minimum lot area per family shall be as follows:

1) Lot Area: The minimum lot area in this District shall be one acre net of flowage easements (i.e. 537 elevation mean sea level).

2) Front Yard: There shall be a front yard having a minimum depth determined as follows:

a) For lots with acres [areas] of 5 acres or less: 50 feet

- b) For lots with areas in excess of 5 acres: 100 Feet
- 3) Side Yard: The minimum distance from the side building line to the property line shall be as follows:
 - a) For lots with areas of 5 acres or less: 20 Feet; except for corner lots the side yard adjacent to the street shall be 50 Feet.
 - b) For lots with area in excess 5 acres: 50 Feet
- 4) Rear Yard:
 - a) For lots with areas of 5 acres or less: 20 Feet
 - b) For lots with areas in excess of 5 acres: 50 Feet
- 5) Width of Lot: The minimum width of lot shall be determined as follows:
 - a) For lots with areas of less than 5 acres: 130 feet with the exception that irregular lots: i.e., those fronting on curves or cul-de-sacs, may have a width of 90 feet if the side lot lines are diverging.
 - b) For lots with areas of 5 acres or more: 240 Feet

The width of the lot shall be measured at the building line.

- 6) Height Regulations: The maximum height: shall be two and one-half (2-1/2) stories, but not to exceed thirty-five (35) feet per dwelling; provided that the dwelling or other building or portions of building other than accessory buildings may be erected higher than thirty-five (35) feet if the portions exceeding thirty-five (35) feet, [are] set back from all required yard lines two (2) feet for each one (1) foot in height above said thirty-five (35) foot limit; provided, however, that no building shall have a height of more than fifty (50) feet, to the peak of the roof. Height limit for any accessory building shall be twenty-five (25) feet.

(Ordinance 270.13 adopted 6/16/93)

P.D. NO. 3

SECTION - 1 Regulations

- A. Regulations set forth in this section are the district regulations for PD-3, known as Hunter's Ridge.
- B. Definitions: For the purpose of these District Regulations the definitions set forth in Article II of the City of Oak Point's Zoning Ordinance 270 (and all appurtenances and amendments thereto) shall apply either as presently set forth or revised in the future.

SECTION - 2 Agriculture/Single-Family Detached

- A. Use Regulations

In this district, no buildings or land shall be used and no building shall be hereafter erect[ed], reconstructed, altered, or enlarged, except for one of more of the following uses:

- 1) Single-family dwellings [shall] have a minimum floor area of two thousand (2,000) square feet (measured exclusive of garage and under heat and air).

2) Accessory buildings: detached garage, workshop, and barn may be constructed not to exceed one each for every five (5) acres. Armory buildings shall be of new construction and maintained in good repair and may not be used for residential purposes. Barns shall not exceed five percent (5%) of the lot area.

3) Water utility pump stations, utility uses other than distribution and service installations, and recreational uses, provided the site plan for said use is approved by the City of Oak Point Planning and Zoning Commission and City Council.

B. Area Regulations

In this District, the minimum dimensions of lots and yards, and the minimum lot area per family shall be as follows:

- 1) Front yard: All lots shall have a one hundred (100) foot front yard setback at sides abutting streets. Lots having street frontage at more than one street shall have front yard setbacks at each street.
- 2) Side yard: The minimum distance from the side building line to the property line shall be fifty (50) feet.
- 3) Rear yard: The minimum distance from the rear building line to the property line shall be fifty (50) feet.
- 4) Area of Lot: All lots, except those designated for City use, shall have an area of not less than five (5) acres.
- 5) Minimum Width: All lots shall be two hundred forty (240) feet, except where a portion of such lot may be less, provided that any building will be erected on the portion of the lot which is at least two hundred forty (240) feet between the side lines and any building erected will be aback [set back] a minimum of one hundred (100) feet from that portion of the lot which is less than two hundred forty (240) feet.
- 6) Height Regulations: No building in PD No. 3, Single-Family District, shall exceed the height of thirty-five (35) feet or two and one-half (2-1/2) stories; however, the main building may be increased above thirty-five (35) feet by an additional one (1) foot of height for each additional two (2) feet setback from all required yard lines. The maximum height allowable with additional setback shall be fifty (50) feet. Height limit for any accessory buildings shall be twenty-five (25) feet.

(Ordinance 270.15 adopted 8/20/96)

P.D. NO. 4

SECTION I

The City of Oak Point recognizes the importance of the ability to develop large tracts of land. These type of tracts enhance the value of the surrounding property as well as the City as a whole. In order to properly develop large residential estate tracts, the City deems it necessary to create a district with regulations tailored to large tracts no less than twenty-five (25) contiguous acres.

That Ordinance 270, as amended be and is hereby amended and that Planned Development Number 4 (“PD No. 4”) is hereby established.

SECTION II

The minimum size tract of land which may be eligible for designation under PD No. 4 shall be no less than twenty-five (25) contiguous acres.

SECTION III

That development in PD No. 4 shall be in accordance with the special conditions, restrictions, and regulations established in this Ordinance.

SECTION IV

Regulations set forth in this Ordinance are only applicable to the PD No. 4 District.

SECTION V

In the PD No. 4 district, no building or land shall be used and no building shall be hereafter erected, reconstructed or enlarged, unless otherwise provided in this Ordinance, except for one or more of the following uses:

1. Master one-family dwelling which shall have a minimum floor area of two thousand (2,000) square feet (measured exclusive of garage and under air and heat); and
2. Accessory building(s) (of which only the following are permitted) shall be of new construction and maintained in good repair. Rental income may never be received in exchange for the occupancy of a permitted accessory building. Accessory Buildings shall be limited to one for every five acres.
 - a. Temporary buildings accessory to new construction provided such are removed within thirty (30) days after construction is completed. If construction is not completed within one hundred twenty (120) days a permit for extension must be requested through the Board of Adjustments.
 - b. Private Garage located not less than three hundred (300) feet back from the front lot line and no less than fifty (50) feet back from any other property line. It shall not have a ground floor exceeding twelve hundred (1,200) square feet.
 - c. Private stable(s) or barn(s) located not less than three (300) feet back from the front lot line and no less than fifty (50) feet back from any other property line.
 - d. Guesthouses, (1) located on the ground not to exceed a height of more than twenty-five (25) feet and (2) each of an area no less than one thousand (1,000) square feet. Mobile or manufactured housing, motor homes and/or travel trailers are not allowed as guesthouses. Guesthouse(s) shall be located not less than three hundred (300) feet back from the front lot line and no less than fifty (50) feet back from any other property line.
 - e. Swimming pool cabana located on the ground not to exceed a height of more than twenty-five (25) feet and of an area not to exceed fifteen hundred (1,500) square feet.

f. Caretaker's cottage may be located on the ground, erected over a private garage or situated within a barn or stable. If the structure is freestanding, such building shall not exceed a height of more than twenty-five (25) feet. Such building shall be no less than twelve hundred (1,200) square feet. Mobile or manufactured housing, motor homes and/or travel trailers are not allowed as a caretaker's cottage. The structure shall be located not less than three hundred (300) feet back from the front lot line and no less than fifty (50) feet back from any other property line.

g. Entrance Ways or entrance gates shall be required.

3. Every building use not hereby specifically authorized and permitted is expressly prohibited in the PD No. 4 Residential District.

SECTION VI HORSE OR COMMON LIVESTOCK RESTRICTIONS

1. Horse or livestock ownership and operations shall comply with this section and all other applicable City ordinances and regulations.

2. Ownership of horses and common domestic livestock is considered to be an accessory use of property designated as PD No. 4. A maximum of one (1) horse (or other large animal considered as common domestic livestock) per acre is allowed.

(Ordinance 99-13 adopted 6/6/99)

P.D. NO. 5

40.3 Acre Hunter's Ridge Estates

GENERAL PURPOSE AND DESCRIPTION:

The principal use of this District is for single-family dwellings normally required to provide an orderly and attractive residential area. The PD 2.5 Acre District is intended to be defined and protected from the encroachment of uses which are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light and air for the dwellings. All sixteen (16) units will be constructed in one phase. Any items that are not identified within the particular planned development district will meet the City of Oak Point Ordinance 271.

PERMITTED USES:

Main Uses - The following uses are permitted as main uses in the PD 2.5 Acre District:

- Detached single-family dwelling.
- Transportation and utility easements, alleys, and rights-of-way.
- Temporary construction office which is removed when construction work is complete.
- Any items that are not identified within the particular planned development district will meet the City of Oak Point Ordinance 271.

Accessory Uses - The following uses are permitted as accessory uses in the PD 2.5 Acre District:

- Permanent Storage buildings which are not part of the main building (must comply with Deed

Restrictions)

- Customary home occupations employing not more than one person not a member of the resident family.
- An attached private garage in a compartment as a part of the main building, having a capacity of a minimum of 2 automobiles.
- Satellite dish (1 per dwelling).
- Swimming pool.
- An accessory structure is a subordinate or incidental structure to the main structure that does not have separate kitchen facilities and is not used for commercial purposes or financial gain. Accessory structures include: garages, antenna, hobby shops, barns, storage buildings, well houses, gazebos, ponds, or pools. An accessory use is an incidental use not incompatible with the single-family residential use. Such uses shall be allowed according to the [Table of Permitted Uses - Appendix B](#).
- Any items that are not identified within the particular planned development district will meet the City of Oak Point Ordinance 271.
- Any guest housing exceeding eight hundred (800) square feet shall require a special use permit process by the City of Oak Point.

DISTRICT AREA REGULATIONS:

Minimum Front Yard Setback - Sixty (60') feet

Minimum Side Yard

PD 2.5 Acre

- Interior Lots - Twenty-five (25) feet
- Corner Lots - Minimum side yard setback from the intersecting street of not less than 25 feet in case such lot is back to back with another corner lot, and 25 feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings on an interior lot.
- Accessory Buildings - Fifty (50) feet minimum; however unattached storage buildings shall not be required to be set back more than Fifty (50) feet from an interior side lot line when all parts of the accessory building are located more than 90 feet (90') behind the front lot line. Any guest housing exceeding eight hundred (800) square feet shall require a special use permit process by the City of Oak Point.

Rear Yard - Minimum one hundred (100') feet. Unattached storage buildings may be located in the rear yard of a main building and shall be set back not less than Fifty (50') feet from the rear lot line.

Lot Size/Density

- Area - Minimum two and a half (2.5) acre
- Width - One hundred fifty feet (150) minimum, and such lot shall abut on a street for a distance of

not less than 35 feet.

- Depth - Two hundred feet (200) minimum.

Minimum Dwelling Area - Two thousand five hundred (2,500) square feet minimum, exclusive of garages and breezeways.

Building Materials - The exterior of all dwellings shall be constructed of 100% masonry on the front and 80% on other elevations.

Height Regulations - Main Buildings and accessory buildings may not exceed two (2) stories or thirty-five (35) feet.

Lot Coverage - Thirty percent (30%) maximum by buildings including accessory buildings.

Minimum Roof Pitch - In this planned development, all roof slopes should be a minimum of 8:12 and shall include opposing roof elements on the front facade and at least one other unless otherwise allowed by a special use permit.

Garages - In this district, the interior of all garages, attached or facing public street, shall be of finished construction.

Landscaping and Tree Regulations

- For single-family uses, all existing trees with a 3-inch or greater caliper, that are not within the building footprint, or as required for structural stability as defined by a state licensed structural or foundation engineer, accessory structure footprint, or driveway shall be preserved, relocated, or replaced in equivalency.
- A Special Use Permit shall be required for mass grading, clear-cutting and/or mass removal of understory or wooded areas.
- Home builders have been required to plant a minimum of three (3), four (4) inches caliper trees per lot.
- Credit will be revoked where trees intended for preservation credits are damaged due to construction, broken branches, root disturbance, soil compaction, or soil cut/fill.

Parking Regulations - A minimum of two (2) dedicated off-street parking spaces shall be provided and maintained. Each space shall be on an improved surface of concrete or similar grade material. They shall be contained in an attached or detached garage (which must meet requirements of an accessory structure).

Approval Process - Once the public hearing by the Planning & Zoning Commission and City Council has occurred with the approval the PD and General Development Plan will be deemed approved. At the time of the Detail Development Plan, Preliminary Plat, and Final Plat, the public hearing by the Planning and Zoning Commission and the City Council, the General Development Plan cannot be deviated from, along with any land use and land use regulations cannot be changed by the Planning and Zoning Commission or the City Council.

(Ordinance 270.15 adopted 8/20/96)

P.D. NO. 6

REQUIREMENTS AND STANDARDS FOR DEVELOPMENT - TRACT 1 AND TRACT 2

Requirements of this Ordinance shall apply to both Tract 1 and Tract 2 of PD Planned Development No. 6 unless otherwise specified.

Tract 1: Planned Development - Single-Family (PD-SF) (181.17 gross acres/159.43 net acres)

Tract 1 is intended to accommodate a variety of single-family residential uses and sizes. Tract 1 will be comprised of SF-1, SF-2 and SF-3 uses as described herein. Development standards for each of the residential uses are outlined below, and are subject to the following conditions:

1. Permitted Uses:

- Permitted uses (including accessory buildings and uses) as referenced in the R-2 District of the City of Oak Point Zoning Ordinance (Ord. No. 271), as it currently exists or may be amended.
- Single-family residential uses as described herein.
- Athletic stadium/field (SUP).
- Bed and breakfast inn (SUP).
- Church, including church-related uses and activities (i.e. day care, recreation, etc.).
- Country club, including country club related uses (i.e. clubhouse, golf course, swimming pool, tennis courts, etc.).
- Day care for children/preschool (SUP).
- Farm, ranch, stable (commercial or private), garden, orchard.
- Golf course, including golf course related uses and activities (i.e. clubhouse, etc.).
- Home occupation.
- Model home and/or homebuilder marketing center.
- Municipal uses operated by the City of Oak Point.
- Park, playground, open space, trail(s), recreation center/amenity center, including related uses (i.e. play equipment, swimming pool, jacuzzi, gazebo/cabana, restrooms, tennis court, skate board/roller hockey court, basketball court, volleyball court, etc.) (public and/or private).
- School (public).
- School (private/parochial).
- Temporary field construction office.
- Utility distribution lines and facilities.
- Other uses similar to the above listed permitted uses, provided that the Oak Point City Council approves the proposed uses prior to issuance of a building permit.

2. SF-1, SF-2 and SF-3 shall be permitted to develop in any location within Tract 1. The conceptual layout for the residential uses within Tract 1, as indicated on the General Development Plan, may be altered at the time of platting and/or Detailed Development Plan, without amending Zoning and/or the General Development Plan, provided the revised layout is in general conformance with the conceptual layout in the approved General Development Plan, and the overall number of residential units for Tract 1 does not exceed the maximum specified below.
3. A total of four hundred eighty-five (485) single-family residential units shall be the maximum permitted within Tract 1. The maximum density permitted in Tract 1 shall be 2.7 units per gross acre, and 3.04 units per net acre. Net shall be defined as the gross acreage of Tract 1 minus twelve (12%) percent in accordance with the City of Oak Point Land Use Plan.
4. A maximum of sixty-three (63%) percent of the total number of lots permitted within Tract 1 may be developed as SF-3. The maximum of sixty-three (63%) percent shall apply to the overall development of Tract 1, and shall not be required for each phase of development. The maximum of sixty-three (63%) percent of SF-3 lots may be altered at the time of platting and/or Detailed Development Plan, without amending Zoning and/or the General Development Plan, provided the revised layout is in general conformance with the conceptual layout in the approved General Development Plan, and the overall number of residential units for Tract 1 does not exceed the maximum specified above.
5. A minimum of ten (10%) percent of the total number of lots developed within Tract 1 shall be developed as SF-1. The minimum of ten (10%) percent shall apply to the overall development of Tract 1, and shall not be required for each phase of development. The minimum of ten (10%) percent of SF-1 lots may be altered at the time of platting and/or Detailed Development Plan, without amending Zoning and/or the General Development Plan, provided the revised layout is in general conformance with the conceptual layout in the approved General Development Plan, and the overall number of residential units for Tract 1 does not exceed the maximum specified above.

Single-Family - 1 (PD-SF-1)

PD-SF-1 is a form of single-family, detached housing developed under the following conditions:

1. Minimum lot size shall be fifteen thousand (15,000) square feet.
2. Minimum lot width shall be ninety (90') feet at the front building line. Minimum lot width for lots located at the terminus of a cul-de-sac or along street eyebrows/elbows shall be eighty (80') feet at the front building line.
3. Minimum lot depth shall be one hundred thirty (130') feet measured at midpoints of the front and rear lot lines. Minimum lot depth for lots located at the terminus of a cul-de-sac or along street eyebrows/elbows shall be one hundred twenty (120') feet measured at midpoints of the front and rear lot lines.
4. Maximum lot coverage shall be thirty (30%) percent including main buildings and accessory buildings.

5. Minimum front yard shall be thirty (30') feet. Front yards are required on both streets for corner lots.
6. Minimum side yard shall be fifteen (15') feet.
7. Minimum rear yard shall be thirty (30') feet.
8. Minimum dwelling area shall be eighteen hundred (1,800) square feet.
9. Maximum structure height shall be two and one-half (2-1/2) stories measured at the highest point of the structure, not to exceed forty (40') feet. Split level homes shall have a maximum of two and one-half (2-1/2) stories on either the front elevation or the rear elevation, and a maximum of three and one-half (3-1/2) stories on the elevation which begins at the lowest grade, not to exceed forty-five (45') feet.

Single-Family - 2 (PD-SF-2)

PD-SF-2 is a form of single-family, detached housing developed under the following conditions:

1. Minimum lot size shall be ten thousand (10,000) square feet.
2. Minimum lot width shall be seventy (70') feet at the front building line. Minimum lot width for lots located at the terminus of a cul-de-sac or along street eyebrows/elbows shall be sixty (60') feet at the front building line.
3. Minimum lot depth shall be one hundred ten (110') feet measured at midpoints of the front and rear lot lines. Minimum lot depth for lots located at the terminus of a cul-de-sac or along street eyebrows/elbows shall be one hundred (100') feet measured at midpoints of the front and rear lot lines.
4. Maximum lot coverage shall be forty-five (45%) percent including main buildings and accessory buildings.
5. Minimum front yard shall be thirty (30') feet. Front yards are required on both streets for corner lots.
6. Minimum side yard shall be ten (10') feet.
7. Minimum rear yard shall be twenty-five (25') feet.
8. Minimum dwelling area shall be fifteen hundred (1,500) square feet.
9. Maximum structure height shall be two and one-half (2-1/2) stories measured at the highest point of the structure, not to exceed forty (40') feet. Split level homes shall have a maximum of two and one-half (2-1/2) stories on either the front elevation or the rear elevation, and a maximum of three and one-half (3-1/2) stories on the elevation which begins at the lowest grade, not to exceed forty-five (45') feet.

Single-Family - 3 (PD-SF-3)

PD-SF-3 is a form of single-family, detached housing developed under the following conditions:

1. Minimum lot size shall be seven thousand five hundred (7,500) square feet.
2. Minimum lot width shall be sixty (60') feet at the front building line. Minimum lot width for lots located at the terminus of a cul-de-sac or along street eyebrows/elbows shall be fifty (50') feet at the front building line.

3. Minimum lot depth shall be one hundred (100') feet measured at midpoints of the front and rear lot lines. Minimum lot depth for lots located at the terminus of a cul-de-sac or along street eyebrows/elbows shall be ninety (90') feet measured at midpoints of the front and rear lot lines.
4. Maximum lot coverage shall be forty-five (45%) percent including main buildings and accessory buildings.
5. Minimum front yard shall be twenty-five (25') feet. Front yards are required on both streets for corner lots.
6. Minimum side yard shall be as follows:
 - a. Seven (7') feet for lots with a width of sixty-five (65') feet or less.
 - b. Eight (8') feet for lots with a width greater than sixty-five (65') feet.
 - c. Seven (7') feet for irregular-shaped lots, lots located at the terminus of a cul-de-sac or along street eyebrows/elbows.
7. Minimum rear yard shall be twenty (20') feet.
8. Minimum dwelling area shall be fourteen hundred (1,400) square feet.
9. Maximum structure height shall be two and one-half (2-1/2) stories measured at the highest point of the structure, not to exceed forty (40') feet. Split level homes shall have a maximum of two and one-half (2-1/2) stories on either the front elevation or the rear elevation, and a maximum of three and one-half (3-1/2) stories on the elevation which begins at the lowest grade, not to exceed forty-five (45') feet.

Tract 2: Community Commercial (PD-CC) (13.80 gross acres/12.14 net acres)

Tract 2 shall be developed under the regulations of the CC district as outlined in City of Oak Point Zoning Ordinance (Ord. No. 271), as it currently exists or may be amended, subject to the following additional conditions:

1. Permitted Uses:
 - Permitted uses (including accessory buildings and uses) referenced in the CC District of the City of Oak Point Zoning Ordinance (Ord. No. 271), as it currently exists or may be amended.
 - Amusement - inside (SUP).
 - Antenna, broadcasting (SUP).
 - Antique shop/used furniture.
 - Athletic stadium/field (SUP).
 - Automotive service garage (SUP).
 - Bank/credit union/savings and loan (with or without drive-thru facilities).
 - Beauty shop/barbershop.
 - Bed and breakfast inn (SUP).

- Church, including church-related uses and activities (i.e. day care, recreation, etc.).
- Community center (SUP).
- Consumer goods repair.
- Convenience store with gas pumps and accessory carwash (SUP).
- Convenience store without gas pumps and accessory carwash.
- Dance/gymnastics studio.
- Day care for children/preschool.
- Dry cleaning.
- Flower shop/florist.
- Government center/service/office.
- Grocery store/food market (maximum of 75,000 square feet of enclosed floor area).
- Health and fitness center.
- Medical emergency clinic (minor).
- Medical/dental/optical office.
- Medical laboratory (SUP).
- Municipal uses operated by the City of Oak Point.
- Museum/art gallery.
- Nursery/garden center (commercial) (SUP).
- Office, administrative, governmental, medical, professional.
- Park, playground, open space, trail(s), recreation center/amenity center, including related uses (i.e. play equipment, swimming pool, tennis court, skate board/roller hockey court, basketball court, volleyball court, etc.) (public and/or private).
- Print shop.
- Professional/non-inventory sales/service.
- Restaurant.
- Restaurant with drive-thru/drive-in service (SUP).
- Retail sales/service.
- School (public).
- School (private/parochial).
- Studio, instructional/artistic.
- Temporary field construction office.

- Utility distribution lines and facilities.
 - Veterinary clinic/kennel with no outside pens.
 - Other uses similar to the above listed permitted uses, provided that the Oak Point City Council approves the proposed uses prior to issuance of a building permit.
2. Minimum lot area shall be thirty thousand (30,000) gross square feet.
 3. Maximum lot area shall be 13.8 gross acres.
 4. Minimum lot width shall be eighty (80') feet.
 5. Minimum lot depth shall be one hundred (100') feet; No maximum lot depth.
 6. Maximum lot coverage shall be fifty (50%) percent.
 7. Minimum front yard shall be forty-five (45') feet. Front yards are required on both streets for corner lots.
 8. Minimum side yard shall be thirty (30') feet adjacent to single-family zoning districts; twenty (20') feet adjacent to all other zoning districts. No side yard shall be required where commercial structures are attached.
 9. Minimum rear yard shall be thirty (30') feet adjacent to single-family zoning districts; twenty (20') feet adjacent to all other zoning districts. No rear yard shall be required where commercial structures are attached.
 10. Parking shall be permitted in front, rear and side yards, but shall be prohibited in the required thoroughfare landscape buffers.
 11. Maximum building height shall be two (2) stories, not to exceed forty (40') feet.
 12. Maximum Floor Area Ratio shall be 0.45:1.
 13. Maximum number of pad sites permitted on Tract 2 shall be four (4). A pad site shall be defined as a retail structure of 5,000 square feet or less.

General Conditions for Tract 1 & Tract 2

Streets, Alleys & Sidewalks

1. Residential streets shall have a minimum right-of-way width of fifty (50') feet. Residential streets that serve rear entry lots shall have a minimum pavement width of twenty-seven (27') feet back of curb to back of curb. Residential streets that serve front entry lots shall have a minimum pavement width of thirty (30') feet face of curb to face of curb.
2. Curves in residential streets (50' right-of-way) shall have a minimum centerline radius of two hundred fifty (250') feet. Residential streets having a centerline radius of less than two hundred fifty (250') feet will be considered for approval at time of platting and/or Detailed Development Plan by the City Engineer or designee for tree preservation purposes.
3. Collector streets shall have a minimum right-of-way width of sixty (60') feet, and minimum

pavement width of thirty-six (36') feet face of curb to face of curb.

4. Curves in collector streets (60' right-of-way) shall have a minimum centerline radius of three hundred (300') feet. Collector streets having a centerline radius of less than three hundred (300') feet will be considered for approval at time of platting and/or Detailed Development Plan by the City Engineer or designee for tree preservation purposes.
5. Due to existing topographic and physical site features, curvilinear streets may be constructed within portions of the residential tracts in general conformance with the conceptual layout in the approved General Development Plan. This does not mandate that all residential streets will be curvilinear or that all residential tracts or plats will incorporate the use of curvilinear streets.
6. Maximum cul-de-sac length shall be one thousand (1,000') feet, measured from the center of the cul-de-sac to the centerline of the intersecting street.
7. Rolled curbs shall be permitted within Tract 1, but shall not be required. Residential streets with rolled curbs that serve rear entry lots shall have a minimum pavement width of twenty-seven (27') feet face of curb to face of curb. Residential streets with rolled curbs that serve front entry lots shall have a minimum pavement width of thirty-one (31') feet back of curb to back of curb.
8. Alleys shall be permitted within Tract 1, but shall not be required. If provided, alleys shall have a minimum right-of-way width of fifteen (15') feet, and a minimum pavement width of ten (10') feet. Alleys shall be prohibited adjacent to a creek, floodplain, common area, park, open space or similar amenities.
9. Sidewalks shall be permitted within Tract 1, but shall not be required. If provided, sidewalks shall be a minimum of four (4') feet in width. Sidewalks along either side of a collector street may be consolidated into a sidewalk of not less than eight (8') feet in width along one side of the street.

Thoroughfare Landscape Buffers

1. A thoroughfare landscape buffer with a minimum width of thirty (30') feet shall be provided adjacent to and outside of the existing ninety (90') foot right-of-way of FM 720.
2. The thoroughfare landscape buffer along FM 720 shall include at a minimum the following:
 - a. A minimum of one (1) Large/Shade Tree, as defined by the City of Oak Point [Appendix C - Approved Landscape Materials](#), for every thirty (30') linear feet of landscape buffer. Large/Shade Trees shall be a minimum of three (3") caliper inches at time of planting, and may be evenly spaced in a formal manner, or spaced in informal, non-linear groupings.
 - b. Two (2) Ornamental Trees, as defined by the City of Oak Point [Appendix C - Approved Landscape Materials](#), may be substituted for one (1) Large/Shade Tree. Ornamental Trees shall be a minimum of three (3") caliper inches at time of planting, and may be evenly spaced in a formal manner, or spaced in informal, nonlinear groupings.
 - c. Large/Shade Trees shall be planted a minimum of four (4') feet from curbs, sidewalks and utility lines. Ornamental Trees may be planted a minimum of three (3') feet from curbs, sidewalks and utility

lines with approval of the City Engineer or designee.

d. Earthen berms shall be required within the thoroughfare landscape buffer, and shall not exceed a 4:1 slope. Berms shall be non-continuous, of gently rolling contour, and shall not interfere with positive drainage.

3. Uniform landscape materials and/or designs shall be used for all thoroughfare landscape buffers and landscaped entry features/areas adjacent to FM 720 to provide an overall unifying theme.

4. Uniform construction/building materials and/or design shall be used for screening walls/fences, entryways, signage, street furniture and lighting adjacent to FM 720 to provide an overall unifying theme.

5. A thoroughfare landscape buffer with a minimum width of twenty (20') feet shall be provided adjacent to and outside of the existing sixty (60') foot right-of-way of Shahan Prairie Road.

6. The thoroughfare landscape buffers along Shahan Prairie Road shall include at a minimum the following:

a. A minimum of one (1) Large/Shade Tree, as defined by the City of Oak Point [Appendix C - Approved Landscape Materials](#), for every thirty (30') linear feet of landscape buffer. Large/Shade Trees shall be a minimum of three (3") caliper inches at time of planting, and may be evenly spaced in a formal manner, or spaced in informal, non-linear groupings.

b. Two (2) Ornamental Trees, as defined by the City of Oak Point [Appendix C - Approved Landscape Materials](#), may be substituted for one (1) Large/Shade Tree. Ornamental Trees shall be a minimum of three (3") caliper inches at time of planting, and may be evenly spaced in a formal manner, or spaced in informal, nonlinear groupings.

c. Large/Shade Trees shall be planted a minimum of four (4') feet from curbs, sidewalks and utility lines. Ornamental Trees may be planted a minimum of three (3') feet from curbs, sidewalks and utility lines with approval of the City Engineer or designee.

d. Earthen berms shall be required within the thoroughfare landscape buffer. Berms shall be non-continuous, of gently rolling contour, and shall not interfere with positive drainage.

7. Uniform landscape materials and/or designs shall be used for all thoroughfare landscape buffers and landscaped entry features/areas adjacent to Shahan Prairie Road to provide an overall unifying theme.

8. Uniform construction/building materials and/or design shall be used for all screening walls/fences, entryways, signage, street furniture and lighting adjacent to Shahan Prairie Road provide an overall unifying theme.

Screening, Landscaping & Open Space Requirements

Screening, landscaping and open space shall be provided in accordance with [Section XI](#) Screening, Landscaping and Open Space Requirements of the City of Oak Point Zoning Ordinance (Ord. 271), as it

currently exists or may be amended, subject to the following conditions:

1. Due to existing topographic and physical site features, alternative screening methods and/or materials will be considered for approval at time of platting and/or Detailed Development Plan by the Planning & Zoning Commission and/or City Council for open space and/or tree preservation purposes.

2. Trees with a minimum of three (3") caliper inches selected from the Large/Shade Tree List, as defined by the City of Oak Point [Appendix C - Approved Landscape Materials](#), shall be provided on each single-family lot. The required trees may be installed within the required yards. Existing healthy tree(s) of any variety, with a minimum of three (3") caliper inches, shall count towards meeting this requirement. The following minimum standards apply for required trees on residential lots:

a. Single-Family 1 2 Trees

b. Single-Family 2 2 Trees

c. Single-Family 3 2 Trees

All the Large/Shade Trees required above shall be planted within thirty (30) days of occupancy for each lot.

3. For Tract 1, a minimum of ten (10%) percent of the total gross acreage of Tract 1 shall be required for open space. Open space may include uses such as, but not limited to: thoroughfare landscape buffers, trail(s), private/public amenity centers, private/public parks, creeks, floodplains, common areas or similar amenities. The open space shall be permitted to count towards existing or future parkland dedication requirements.

4. A private amenity center shall be permitted for the use of the residents within the subdivision. The amenity center may include uses such as, but not limited to: play equipment, swimming pool, jacuzzi, gazebo/cabana, restrooms, tennis courts and sport courts. A trail or walkway shall be provided directly adjacent to and in conjunction with the private amenity center.

5. The setbacks required for any permitted structures on the lot containing the private amenity center shall be as follows:

a. Minimum front yard setback shall be fifteen (15') feet.

b. Minimum side yard setback shall be fifteen (15') feet.

c. Minimum rear yard setback shall be zero (0') feet if adjacent to creeks, floodplains, common areas or similar amenities; fifteen (15') feet if adjacent to single-family.

6. The requirement for side yards and/or rear yards may be waived by the Planning & Zoning Commission and/or City Council at time of platting and/or Detailed Development Plan approval for lots located adjacent to a creek, floodplain, common area, park, open space or similar amenities.

7. For Tract 1 and Tract 2, existing trees with a four (4") inch or greater caliper shall be preserved, relocated or replaced in caliper equivalency with the following exceptions:

- a. Existing Hackberry, Bois d'Arc, and/or Cottonwood trees of any size or condition may be removed, and shall not require preservation, relocation or replacement.
 - b. Existing trees of any species, size or condition located within the building footprint of the main structure, accessory structure or driveway, or as required for structural stability as defined by a state licensed structural or foundation engineer, may be removed, and shall not require preservation, relocation or replacement.
 - c. Existing trees of any species, size or condition located in any right-of-way and/or easement may be removed, and shall not require preservation, relocation or replacement.
 - d. Existing trees of any species or size that is determined to be in a hazardous or dangerous condition so as to endanger the public health, safety or welfare shall be removed, and shall not require preservation, relocation or replacement.
 - e. Existing trees of any species or size that is damaged or killed by acts of nature shall be removed, and shall not require preservation, relocation or replacement.
8. Mass grading, clear-cutting and/or mass removal of understory or wooded areas shall require approval by the Planning & Zoning Commission and/or City Council at time of platting and/or Detailed Development Plan approval.

Construction Standards

Construction standards shall be provided in accordance with [Section VI](#) Construction Standards of the City of Oak Point Zoning Ordinance (Ord. 271), as it currently exists or may be amended, subject to the following conditions:

1. In Tract 1, the main residential structures shall be constructed of a minimum of eighty (80%) percent masonry total for all facades, with no single facade having less than seventy-five (75%) percent masonry. Masonry shall consist of brick, stone or similar masonry unit type materials, or a minimum of one (1") inch thick stucco construction.
2. All buildings contained within Tract 2 (including pad sites) shall have similar architectural styles, materials and colors.
3. In Tract 2, the main structures shall be constructed of masonry as the primary construction material. Masonry shall consist of brick, stone or similar masonry unit type materials, or a minimum of one (1") inch thick stucco construction. Secondary construction materials may be used to accent primary materials with the following limits on any one facade:
 - a. Aluminum, or other metals maximum of ten (10%) percent.
 - b. Stucco or cementitious plank maximum of twenty (20%) percent.
 - c. Tinted or split face Concrete Masonry Unit (CMU) maximum of fifteen (15%) percent.
 - d. Exterior Insulation & Finish System (EIFS) or similar maximum of twenty (20%) percent if approved by Planning & Zoning Commission and/or City Council at time of site plan, platting and/or Detailed

Development Plan approval.

4. In all districts, the use of shakes or shingles of wood as roofing material is specifically prohibited.
5. In Tract 1, all roof slopes shall be a minimum of 8:12. Roof construction shall include opposing roof elements on the front facade and at least one other facade, unless otherwise approved by the Planning & Zoning Commission and/or City Council.

Parking Requirements

Parking standards shall be provided in accordance with [Section IX](#) Parking Requirements of the City of Oak Point Zoning Ordinance (Ord. 271), as it currently exists or may be amended.

Signage Requirements

Signs shall be provided in accordance with [Section XII](#) Signage Regulations of the City of Oak Point Zoning Ordinance (Ord. 271), as it currently exists or may be amended.

Planned Development Ordinance

The Planned Development Ordinance shall remain in effect until amended by an ordinance, or is otherwise specifically addressed by another ordinance.

General Development Plan

The General Development Plan shall be attached to and made part of this Planned Development Ordinance, and shall remain in effect until amended by an ordinance, or is otherwise specifically addressed by another ordinance.

Zoning Exhibit

The Zoning Exhibit shall be attached to and made part of this Planned Development Ordinance, and shall remain in effect until amended by an ordinance, or is otherwise specifically addressed by another ordinance.

Compliance with Applicable State Regulations

The intent of this Planned Development Ordinance, and the attached General Development Plan and Zoning Exhibit, is to fully comply with applicable state regulations. Such regulations will rule over any conflicting provisions within this document and/or attachments.

(Ordinance 2002-13, sec. 4, adopted 9/9/02)

P.D. NO. 7

REQUIREMENTS AND STANDARDS FOR DEVELOPMENT

Tract 1: Mixed Use Development (PD-Mixed Use) (127.888 gross acres/112.54 net acres)

Tract 1 is intended to be a mixed-use development, and shall permit a variety of uses including any combination of garden home, commercial, retail, office and/or city service uses. Development standards for each of the uses are outlined below and are subject to the following conditions:

1. Permitted Uses:

- Permitted uses (including accessory buildings and uses) referenced in the CC District of the City of Oak Point Zoning Ordinance (Ord. No. 271), as it currently exists or may be amended.

- Amusement - inside.
- Antenna, broadcasting (SUP).
- Antique shop/used furniture.
- Assisted care or living facility.
- Athletic stadium/field.
- Auto parts sales (incidental to the primary use only).
- Automotive service garage.
- Bank/credit union/savings and loan (with or without drive-thru facilities).
- Beauty shop/barbershop.
- Bed and breakfast inn.
- Building material and hardware store (maximum of 75,000 square feet of enclosed floor area for each store).
- Church, including church-related uses and activities (i.e. day care, recreation, etc.).
- Civic/convention center.
- Community center.
- Consumer goods repair.
- Convenience store with gas pumps and accessory carwash.
- Convenience store without gas pumps and accessory carwash.
- Country club, including country club related uses (i.e. clubhouse, golf course, swimming pool, tennis courts, etc.).
- Dance/gymnastics studio.
- Day care for children/preschool.
- Dry cleaning.
- Flower shop.
- Furniture, home furnishings and appliances (maximum of 75,000 square feet of enclosed floor area for each store).
- Garden home residential uses as described herein.
- Gasoline service station with gas pumps and accessory carwash.
- Government center/service/office.
- Golf course, including golf course related uses and activities (i.e. clubhouse, etc.).
- Grocery store/food market (maximum of 75,000 square feet of enclosed floor area for each store).

- Health and fitness center.
- Home occupation.
- Hospital.
- Hotel.
- Medical emergency clinic (minor).
- Medical/dental/optical office.
- Medical laboratory.
- Model home and/or homebuilder marketing center.
- Municipal uses operated by the City of Oak Point.
- Museum/art gallery.
- Nursery/garden center (commercial).
- Office, administrative, governmental, medical, professional.
- Office showroom.
- Park, playground, open space, trail(s), recreation center/amenity center, including related uses (i.e. play equipment, swimming pool, tennis court, skate board/roller hockey court, basketball court, volleyball court, etc.) (public and/or private).
- Professional/non-inventory sales/service.
- Print shop.
- Research and development center.
- Restaurant.
- Restaurant with drive-thru/drive-in service.
- Retail sales/service (maximum of 75,000 square feet of enclosed floor area for each store).
- School (public).
- School (private/parochial).
- Studio, instructional/artistic.
- Temporary field construction office.
- Theater.
- Utility distribution lines and facilities (excluding power stations).
- Veterinary clinic/kennel with no outside pens.
- Other uses similar to the above listed permitted uses, provided that the Oak Point City Council approves the proposed uses prior to issuance of a building permit.

1. For the purpose of this Planned Development, Office Showroom shall be defined as an establishment with a minimum of seventy-five (75%) percent of its total enclosed floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.
2. For the purpose of this Planned Development, Research and Development Center shall be defined as a facility that includes laboratories and experimental equipment for medical testing, prototype design and development, and product testing. Any facility that is determined by Health, Fire, or Building officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation is not to be included in this category.
3. Garden home residential, retail, commercial, office and/or city service uses shall be permitted to develop in any location within Tract 1. The conceptual layout for the uses within Tract 1, as indicated on the General Development Plan, may be altered at the time of site planning, platting and/or Detailed Development Plan without amending Zoning and/or the General Development Plan, provided the revised layout is in general conformance with the conceptual layout in the approved General Development Plan, and the requirements within this ordinance are met.

Garden Home

Garden home is a form of single-family attached housing, accommodating three to eight dwelling units per structure. If Tract 1 is developed with garden home residential uses, the development standards are subject to the following:

1. A total of three hundred twenty-five (325) garden home residential units shall be the maximum permitted within Tract 1. The maximum density permitted in Tract 1 shall be ten (10) units per net acre. Net shall be defined as the gross acreage of the garden home tract minus twelve (12%) percent in accordance with the City of Oak Point Land Use Plan.
2. No minimum lot size shall be required.
3. Minimum lot width shall be twenty (20') feet at the front building line. Minimum lot width for lots located at the terminus of a cul-de-sac or along street eyebrows/elbows shall be fifteen (15') feet at the front building line. Minimum lot width for corner lots shall be thirty (30') feet.
4. Minimum lot depth shall be seventy-five (75') feet measured at midpoints of the front and rear lot lines. Minimum lot depth for lots located at the terminus of a cul-de-sac or along street eyebrows/elbows shall be sixty-five (65') feet measured at midpoints of the front and rear lot lines.
5. Maximum lot coverage shall be seventy (70%) percent including main buildings and accessory buildings.
6. Minimum front yard shall be ten (10') feet.

7. Minimum side yard shall be zero (0') feet. Minimum side yard for corner lots shall be ten (10') feet.
8. Minimum rear yard shall be fifteen (15') feet.
9. Minimum dwelling area shall be eleven hundred (1,100) square feet.
10. Maximum structure height shall be two and one-half (2-1/2) stories measured at the highest point of the structure, not to exceed forty (40') feet. Split level homes shall have a maximum of two and one-half (2-1/2) stories on either the front elevation or the rear elevation, and a maximum of three and one-half (3-1/2) stories on the elevation which begins at the lowest grade, not to exceed forty-five (45') feet.
11. A minimum fifteen (15') foot building separation shall be required between garden home structures.

Commercial/Retail/Office/City Services

If Tract 1 is developed with commercial, retail, office and/or city service uses, the development standards are subject to the standards of the CC District as outlined in City of Oak Point Zoning Ordinance (Ord. No. 271), as it currently exists or may be amended subject to the following conditions:

1. Minimum lot area shall be thirty thousand (30,000) gross square feet; No maximum lot area.
2. Minimum lot width shall be eighty (80') feet; No maximum lot width.
3. Minimum lot depth shall be one hundred (100') feet; No maximum lot depth.
4. Maximum lot coverage shall be fifty (50%) percent.
5. Minimum front yard shall be forty-five (45') feet. Front yards are required on both streets for corner lots.
6. Minimum rear yard shall be twenty (20') feet.
7. Minimum side yard shall be twenty (20') feet. No side yard shall be required where commercial structures are attached.
8. Parking shall be permitted in front, rear and side yards, but shall be prohibited in the required thoroughfare landscape buffers.
9. Maximum building height shall be two (2) stories, not to exceed forty (40') feet.
10. Maximum Floor Area Ratio shall be 0.45:1.
11. Big box retail shall not be permitted within Tract 1, unless otherwise approved by Planning & Zoning Commission and/or City Council. Big box retail shall be defined as a single tenant retail building or a single tenant space with more than 75,000 square feet of enclosed floor area.

General Conditions

Streets, Alleys & Sidewalks

1. Residential streets shall have a minimum right-of-way width of fifty (50') feet. Residential streets that serve rear entry lots shall have a minimum pavement width of twenty-seven (27') feet back of curb to back of curb. Residential streets that serve front entry lots shall have a minimum pavement width of

thirty (30') feet face of curb to face of curb.

2. Curves in residential streets (50' right-of-way) shall have a minimum centerline radius of two hundred fifty (250') feet. Residential streets having a centerline radius of less than two hundred fifty (250') feet will be considered for approval at time of platting and/or Detailed Development Plan by the City Engineer or designee for tree preservation purposes.
3. Collector streets shall have a minimum right-of-way width of sixty (60') feet, and minimum pavement width of thirty-six (36') feet face of curb to face of curb.
4. Curves in collector streets (60' right-of-way) shall have a minimum centerline radius of three hundred (300') feet. Collector streets having a centerline radius of less than three hundred (300') feet will be considered for approval at time of platting and/or Detailed Development Plan by the City Engineer or designee for tree preservation purposes.
5. Maximum cul-de-sac length shall be one thousand (1,000') feet, measured from the center of the cul-de-sac to the centerline of the intersecting street.
6. Alleys shall be permitted within the residential district(s) within Tract 1, but shall not be required. If provided, alleys shall have a minimum right-of-way width of fifteen (15') feet, and a minimum pavement width of ten (10') feet. Alleys shall be prohibited adjacent to a creek, floodplain, common area, park, open space or similar amenities.
7. Sidewalks shall be permitted within Tract 1, but shall not be required. If provided, sidewalks shall be a minimum of four (4') feet in width. Sidewalks along either side of a collector street may be consolidated into a sidewalk of not less than eight (8') feet in width along one side of the street.

Thoroughfare Landscape Buffers

1. A thoroughfare landscape buffer with a minimum width of thirty (30') feet shall be provided adjacent to and outside of the existing ninety (90') foot right-of-way of FM 720.
2. The thoroughfare landscape buffer along FM 720 shall include at a minimum the following:
 - a. A minimum of one (1) Large/Shade Tree, as defined by the City of Oak Point [Appendix C - Approved Landscape Materials](#), for every thirty (30') linear feet of landscape buffer. Large/Shade Trees shall be a minimum of three (3") caliper inches at time of planting, and may be evenly spaced in a formal manner, or spaced in informal, non-linear groupings.
 - b. Two (2) Ornamental Trees, as defined by the City of Oak Point [Appendix C - Approved Landscape Materials](#), may be substituted for one (1) Large/Shade Tree. Ornamental Trees shall be a minimum of three (3") caliper inches at time of planting, and may be evenly spaced in a formal manner, or spaced in informal, non-linear groupings.
 - c. Large/Shade Trees shall be planted a minimum of four (4') feet from curbs, sidewalks and utility lines. Ornamental Trees may be planted a minimum of three (3') feet from curbs, sidewalks and utility lines with approval of the City Engineer or designee.

- d. Earthen berms shall be required within the thoroughfare landscape buffer, and shall not exceed a 4:1 slope. Berms shall be non-continuous, of gently rolling contour, and shall not interfere with positive drainage.
3. Uniform landscape materials and/or designs shall be used for all thoroughfare landscape buffers and landscaped entry features/areas adjacent to FM 720 to provide an overall unifying theme.
4. Uniform construction/building materials and/or design shall be used for screening walls/fences, entryways, signage, street furniture and lighting adjacent to FM 720 to provide an overall unifying theme.
5. A thoroughfare landscape buffer with a minimum width of twenty (20') feet shall be provided adjacent to and outside of the existing sixty (60') foot right-of-way of Shahan Prairie Road, the proposed extension of Martop Road, and the proposed sixty (60') foot north/south collector on the east side of Tract 1.
6. The thoroughfare landscape buffers along Shahan Prairie Road, proposed Martop Road and the proposed north/south collector on the east side of Tract 1 shall include at a minimum the following:
 - a. A minimum of one (1) Large/Shade Tree, as defined by the City of Oak Point [Appendix C - Approved Landscape Materials](#), for every thirty (30') linear feet of landscape buffer. Large/Shade Trees shall be a minimum of three (3") caliper inches at time of planting, and may be evenly spaced in a formal manner, or spaced in informal, non-linear groupings.
 - b. Two (2) Ornamental Trees, as defined by the City of Oak Point [Appendix C - Approved Landscape Materials](#), may be substituted for one (1) Large/Shade Tree. Ornamental Trees shall be a minimum of three (3") caliper inches at time of planting, and may be evenly spaced in a formal manner, or spaced in informal, non-linear groupings.
 - c. Large/Shade Trees shall be planted a minimum of four (4') feet from curbs, sidewalks and utility lines. Ornamental Trees may be planted a minimum of three (3') feet from curbs, sidewalks and utility lines with approval of the City Engineer or designee.
 - d. Earthen berms shall be required within the thoroughfare landscape buffer along Shahan Prairie Road. Berms shall be non-continuous, of gently rolling contour, and shall not interfere with positive drainage.
7. Uniform landscape materials and/or designs shall be used for all thoroughfare landscape buffers and landscaped entry features/areas adjacent to Shahan Prairie Road, the proposed extension of Martop Road and the proposed north/south collector on the east side of Tract 1 to provide an overall unifying theme.
8. Uniform construction/building materials and/or design shall be used for all screening walls/fences, entryways, signage, street furniture and lighting adjacent to Shahan Prairie Road, the proposed extension of Martop Road, and the proposed north/south collector on the east side of Tract 1 provide an

overall unifying theme.

Screening, Landscaping & Open Space Requirements

Screening, landscaping and open space shall be provided in accordance with [Section XI](#) Screening, Landscaping and Open Space Requirements of the City of Oak Point Zoning Ordinance (Ord. 271), as it currently exists or may be amended, subject to the following conditions:

1. Due to existing topographic and physical site features, alternative screening methods and/or materials will be considered for approval at time of platting and/or Detailed Development Plan by the Planning & Zoning Commission and/or City Council for open space and/or tree preservation purposes.
2. A minimum of ten (10%) percent of the total gross acreage of the platted garden home district(s) shall be required for open space. Open space may include uses such as, but not limited to: thoroughfare landscape buffers, trail(s), private/public amenity centers, private/public parks, creeks, floodplains, common areas or similar amenities. The open space shall be permitted to count towards existing or future parkland dedication requirements.
3. A private amenity center shall be permitted for the use of the residents within the residential district(s), but shall not be required. If provided, the amenity center may include uses such as, but not limited to: play equipment, swimming pool, jacuzzi, gazebo/cabana, restrooms, tennis courts and sport courts.
4. The setbacks required for any permitted structures on the lot containing the private amenity center shall be as follows:
 - a. Minimum front yard setback shall be fifteen (15') feet.
 - b. Minimum side yard setback shall be fifteen (15') feet.
 - c. Minimum rear yard setback shall be zero (0') feet if adjacent to creeks, floodplains, common areas or similar amenities; fifteen (15') feet if adjacent to garden home residential.
5. The requirement for side yards and/or rear yards may be waived by the Planning & Zoning Commission and/or City Council at time of platting and/or Detailed Development Plan approval for lots located adjacent to a creek, floodplain, common area, park, open space or similar amenities.
6. Existing trees with a four (4") inch or greater caliper shall be preserved, relocated or replaced in caliper equivalency with the following exceptions:
 - a. Existing Hackberry, Bois d'Arc, and/or Cottonwood trees of any size or condition may be removed, and shall not require preservation, relocation or replacement.
 - b. Existing trees of any species, size or condition located within the building footprint of the main structure, accessory structure or driveway, or as required for structural stability as defined by a state licensed structural or foundation engineer, may be removed, and shall not require preservation, relocation or replacement.
 - c. Existing trees of any species, size or condition located in any right-of-way and/or easement may be

removed, and shall not require preservation, relocation or replacement.

d. Existing trees of any species or size that is determined to be in a hazardous or dangerous condition so as to endanger the public health, safety or welfare shall be removed, and shall not require preservation, relocation or replacement.

e. Existing trees of any species or size that is damaged or killed by acts of nature shall be removed, and shall not require preservation, relocation or replacement.

7. Mass grading, clear-cutting and/or mass removal of understory or wooded areas shall require approval by the Planning & Zoning Commission and/or City Council at time of platting and/or Detailed Development Plan approval.

Construction Standards

Construction standards shall be provided in accordance with [Section VI](#) Construction Standards of the City of Oak Point Zoning Ordinance (Ord. 271), as it currently exists or may be amended, subject to the following conditions:

1. All nonresidential structures contained within Tract 1 (including pad sites) shall have similar architectural styles, materials and colors.
2. All nonresidential structures shall be constructed of masonry as the primary construction material. Masonry shall consist of brick, stone or similar masonry unit-type materials, or a minimum of one (1") inch thick stucco construction. Secondary construction materials may be used to accent primary materials with the following limits on any one facade:
 - a. Aluminum, or other metals maximum of ten (10%) percent.
 - b. Stucco or cementitious plank maximum of twenty (20%) percent.
 - c. Tinted or split face Concrete Masonry Unit (CMU) maximum of fifteen (15%) percent.
 - d. Exterior Insulation & Finish System (EIFS) or similar maximum of twenty (20%) percent if approved by Planning & Zoning Commission and/or City Council at time of site plan, platting and/or Detailed Development Plan approval.
3. In all districts, the use of shakes or shingles of wood as roofing material is specifically prohibited.
4. In the residential district(s), the main residential structures shall be constructed of a minimum of seventy-five (75%) percent masonry total for all facades, with no single facade having less than fifty (50%) percent masonry. Masonry shall consist of brick, stone or similar masonry unit-type materials, or a minimum of one (1") inch thick stucco construction.

Parking Requirements

Parking standards shall be provided in accordance with [Section IX](#) Parking Requirements of the City of Oak Point Zoning Ordinance (Ord. 271), as it currently exists or may be amended.

Signage Requirements

Signs shall be provided in accordance with [Section XII](#) Signage Regulations of the City of Oak Point Zoning Ordinance (Ord. 271), as it currently exists or may be amended.

Planned Development Ordinance

The Planned Development Ordinance shall remain in effect until amended by an ordinance, or is otherwise specifically addressed by another ordinance.

General Development Plan

The General Development Plan shall be attached to and made part of this Planned Development Ordinance, and shall remain in effect until amended by an ordinance, or is otherwise specifically addressed by another ordinance.

Zoning Exhibit

The Zoning Exhibit shall be attached to and made part of this Planned Development Ordinance, and shall remain in effect until amended by an ordinance, or is otherwise specifically addressed by another ordinance.

Compliance with Applicable State Regulations

The intent of this Planned Development Ordinance, and the attached General Development Plan and Zoning Exhibit, is to fully comply with applicable state regulations. Such regulations will rule over any conflicting provisions within this document and/or attachments.

(Ordinance 2002-14, sec. 4, adopted 9/9/02)

P.D. NO. 8

REQUIREMENTS AND STANDARDS FOR DEVELOPMENT

This Planned Development district establishes development standards for the master-planned development of the Gates of Waters Edge.

General Description

1. Permitted Uses

- a) Single-Family Residential
- b) Civic Uses (example: library, community centers)
- c) Parks (Including Athletic Facilities)

2. Land uses permitted within the area designated as Single-Family Residential

- a) Dwellings, single-family residential, attached and detached including guest house.
- b) Accessory buildings
- c) Clubhouses
- d) Recreational amenities, including swimming pools, cabanas, outdoor movie viewing area, hike and bike trails, cycle track, tennis courts, multipurpose courts, including associated equipment structures.
- e) Open Space

3. Density

Single-Family Residential: one property owner per lot, main house plus small pool/guest house where allowed by architectural committee.

4. Required Parking

All required off-street parking spaces shall be located behind all front yard setback lines.

Building line shall be established to provide adequate off-street parking for each residential unit.

5. Residential Architectural Standards

Each structure shall be a unique design to be reviewed and approved by The Gates at Waters Edge Architectural Review Committee.

6. Building Material

All residential structures shall comply with the standards outlined below:

- a) Exterior of home shall be as follows: the front elevation will be 100% masonry including brick, stone, or stucco. Cedar and cast stones treatments will be allowed.
- b) 50% masonry required on remaining elevations. The remaining 50% shall be concrete fibrous or cedar siding.
- c) Windows: Front elevation windows will be wood, vinyl or aluminum clad. Side and rear elevation windows may be aluminum, vinyl or wood.
- d) Roof: Roof material shall be composition 30-year shingles. Other roofing materials such as slate, metal, concrete, and tile will be approved through the architectural committee. All roof color will be approved by the architectural committee as well.
- e) Satellite dishes and antennas shall not be installed in locations visible from the street or common areas or other residences unless approved by the architectural committee. Vent stacks and other roof penetrations shall be placed on roof planes other than those visible from the streets or common areas, unless specifically approved by the architectural committee.

7. Residential Bulk Regulations shall be as follows:

Bay Forest Landing Replat:

Number of Lots: 46

Typical Lot Size: 150' x 300'

Average Lot Size: 1.0 Acre

Minimum Width: 100'

Minimum Front Yard: 30'

Minimum Side Yard: 15'

Minimum Side Yard (adj. to street): 30'

Minimum Rear Yard: 40'

Maximum Height: 35'

Minimum Dwelling Unit (excluding garages, porches, etc.): 2,500 sq. ft.

Estates:

Number of Lots: 13

Typical Lot Size: 150' x 300'

Average Lot Size: 1.08 acre

Minimum Width: 100'

Minimum Front Yard: 60'

Minimum Side Yard: 20'

Minimum Side Yard (adj. to street): 30'

Minimum Rear Yard: 40'

Maximum Height: 35'

Minimum Dwelling Unit (excluding garage, porches): 2,500 sq. ft.

8. Signage in Residential Areas

- a) Monuments signs at the entry-ways of neighborhoods shall be allowed that conform to the monument standards approved by the City.
- b) Ornamental hanging signs suspended from a decorative post shall be allowed in lieu of monument signs for entry-ways of neighborhoods.

9. Open Space/Private Parks

A minimum of 0.3 acres of open space will be provided.

10. Fencing and Screening

- a) Front fencing must be wrought iron, masonry or masonry and wrought iron. Transitioning to the side fencing, which may be wood, must include wrought iron in the first 6-8 feet.
- b) Fencing shall be a minimum height of 6 feet. Lake front lots will be required in stricter deed restriction to have all wrought iron fencing.

11. Lighting

Street lights shall be provided at all intersections of streets.

12. Landscaping for Single-Family Residential

- a) Each residential lot shall have a minimum of 4 - 2" trees. Trees may be provided by preservation or

planting of trees from the approved tree list.

b) The street shall provide appropriate streetscape with trees planted every 30 to 50 feet apart. Said trees shall be preserved or planted. Planted trees shall be chosen from the approved tree list.

General Conditions

1. Procedures to be followed throughout the development of the Planned Development District:

a) Zoning Exhibit: A Conceptual Plan is hereby attached and made a part of the approval for this Planned Development District. This plan sets forth:

- i. the approximate locations of all proposed public streets,
- ii. the approximate locations of all proposed land uses,
- iii. the bulk regulations for each general use designation, and
- iv. the number and location of residential and open space lots.

2. Landscaping

a) Sidewalk/Bike Trail shall be marked as part of the proposed street paving in accordance with attached details. A hike and bike trail shall be constructed generally as shown on the attached Concept Plan.

b) A Home Owners Association shall be established for this development for maintenance of common, open space and landscaped areas, and screening walls.

3. Architectural Standards

a) Deed restrictions to require all house plans to be approved by The Gates at Waters Edge Architectural Committee.

b) Front exterior to be 100% brick, stone or stucco exclusive of doors, windows, and eaves.

4. Amenities

a) A minimum of 0.3 acres will be in open space.

b) Street lighting within the community will be coordinated with the electrical company and be upgraded from TXU standard streetlights.

c) Screening and Entry Feature:

i. Flowers, shrubs, and trees shall be placed near entry signs. Maintenance shall be by Home Owners Association. If planted within ROW, a "Median Right-of-Way Landscaping and Irrigation Agreement" shall be entered into between the HOA and the City of Oak Point.

ii. A complete irrigation system will be installed with control and rain sensors to conserve water.

d) A Home Owners Association shall be established for this development for maintenance of common, open space and landscaped areas, and screening walls.

e) Amenity Center consisting of clubhouse, pool, and passive recreational facilities is envisioned on

Lot # 11 Block "B" of the Concept Plan. Final locations to be determined in the Final Plat and Site Plan processes of the City of Oak Point.

5. Concept Plan

The Concept Plan is based on Record Drawings and may change based on final design and survey. Lots 1 and 19-30 Block 'A' are primarily in an area outside of the original Bay Forest Landing and shall have a minimum area of 1 acre net of easements and rights-of-way.

Variances from Standard Zoning Category

Minimum Lot Area	0.70 acre (gross)
Minimum Lot Width	100 ft.
Minimum Front Yard	Varies 30' to 80' as shown on Concept Plan 50' average (minimum)
Minimum Side Yard	15' min. side yard (min. 40' between homes), 30' side yard next to street as shown on Concept Plan

Variances from Subdivision Ordinance

1. Streets shall be constructed per the proposed street detail with sanitary sewer and storm drainage typically located under the pavement to minimize disturbance to the parkways and minimize tree removal.
2. Use of natural and grass lined channels are proposed in lieu of underground storm sewers in smaller drainage basins than required by the Subdivision Ordinance. Except for minimum flow rate, it is intended that all other design standards for channels shall be met. This should allow minimal disturbance to the property during construction and allow additional trees to be preserved.

Variances from Tree Preservation Ordinance

1. All trees that are not required to be removed for public improvements will be preserved by the Developer.
2. Each residential lot shall have a minimum of 4 - 2" trees.
3. The streets shall provide appropriate streetscape with trees being provided every 30' on average, with a 50' maximum spacing.
4. Required trees may be provided by preservation or planting of trees from the approved tree list.
5. No other tree survey or mitigation is required.

P.D. NO. 9

REQUIREMENTS AND STANDARDS FOR DEVELOPMENT

This Planned Development district establishes development standards for the master-planned development of Prestonwood Polo & Country Club including a maximum of 22 residential lots each of at least 2.5 gross acres (and one (1) net acre) surrounding three (3) polo fields as generally depicted in Exhibit D [to Ordinance 2011-07-326].

Tract 1: PD-R-1 Single-Family Residential District (approximately 60.99 acres)

Tract 1 shall be developed under the regulations of the R-1 Single-Family Residential District as outlined in Section V of the Zoning Ordinance No. 2002-04 as is currently exists, or may be amended, and in general compliance with Exhibits D and E [to Ordinance 2011-07-326] subject to the following conditions:

- 1) Homeowners Association (HOA) - A HOA shall be established by the developer to perpetually perform maintenance responsibilities as outlined within these standards.
- 2) Permitted Uses - In addition to those uses permitted by the R-1 Single-Family Residential District, the polo easement areas on Lots 1 through 22 may be used for polo fields and related equestrian activities. Should the polo club become defunct, the polo easement will revert to an open space and common area easement which can be used for recreational activities and shall be maintained by the HOA. Language to be mutually agreed upon by the developer and City Attorney shall be placed on each plat of the property to define the polo easement and address current and future use and maintenance issues.
- 3) Minimum Lot Area - Minimum lot area shall be two and one-half (2.5) acres. Each lot shall dedicate a portion of its area as shown on Exhibit "D" [to Ordinance 2011-07-326] as permanent easement for use by the polo club. The minimum net lot area (less the area of the polo easement) shall be one (1) acre.
- 4) Minimum Lot Width - Minimum lot width shall be 100 feet.
- 5) Minimum Lot Depth - Minimum lot depth shall be 150 feet.
- 6) Minimum Front Yard - Minimum front yard shall be 100 feet. (The minimum front yard for lots siding to proposed Prestonwood Polo Drive shall be 50 feet.)
- 7) Minimum Rear Yard - Minimum rear yard shall be 25 feet.
- 8) Minimum Side Yard - Minimum side yard shall be 30 feet.
- 9) Maximum Building Height - No buildings shall exceed the height of thirty-five (35) feet or two and one-half (2-1/2) stories; Height limit for any accessory buildings shall be twenty-five (25) feet.
- 10) Minimum Dwelling Area - Single-family dwellings shall have a minimum floor area of two thousand five hundred (2,500) square feet (exclusive of garage and under heat and air).

11) Home Orientation - The rear of each home shall face a polo field and be oriented to maximize polo views. As depicted on Exhibit D [to Ordinance 2011-07-326], Lots 1 through 14 shall own a piece of the polo field preserving its view long term. Each homeowner shall be responsible for maintaining the areas inside their fenced lot.

12) Architectural Compatibility - All buildings shall be architecturally compatible. The architectural compatibility shall be achieved by implementing the following requirements for design, color, roofing, and materials.

a. Architectural Style - Required architectural styles are French Country, Hill Country, English Tudor or other reasonably consistent style as approved by the City. Examples of these architectural styles are depicted in Exhibit E-1 [to Ordinance 2011-07-326].

b. Colors - Permitted colors are those that harmonize with the natural landscape. Muted shades are considered to be most appropriate. Black and other less muted shades are permitted for trim paint. Gloss paint is not permitted. Care should be taken to avoid the use of an excessive number of materials and colors. Colors and materials shall be compatible with each other so as to develop a cohesive appearance for the dwelling appropriate to its architectural character and to the neighborhood.

c. Materials - The front exterior wall (excluding doors and windows), of each dwelling shall be one hundred [percent] (100%) brick or brick veneer, or stone, stone veneer or stucco. The remaining exterior walls of each dwelling (excluding doors and windows) shall be 80% brick or brick veneer, stone or stone veneer, or stucco, unless the wall is on a porch, patio, breezeway or courtyard. The exterior portion of any fireplace chimney shall be one hundred [percent] (100%) brick or brick veneer, or stone or stone veneer.

d. Roofing - Roofing colors shall harmonize with the natural landscape and community. Roofing shall be muted in shades and without color pattern. Acceptable roofing materials include tile, slate, composition shingles, stone coated or standing seam metal and cement-fiberboard products. All metal roofing shall be free of any types of glossy finish.

13) Perimeter Landscape Buffer & Gated Entries - A 15-foot landscape buffer shall be provided along the fronts and sides of all single-family lots located adjacent to Yacht Club Road, Martingale Trail, proposed Prestonwood Polo Drive, and proposed Norman Brinker Way as shown on Exhibit D [to Ordinance 2011-07-326] to create the look and feel of a "gated community". Each lot shall have direct access to the streets using a maximum of one (1) penetration through the landscape buffer, except that corner lots may have a one (1) penetration per street.

a. Fences and Gates - A four-foot high split rail wood fence with intermittent stone columns shall be constructed along the front edge of the 15-foot wide landscape buffer. The stone columns shall be placed at lot corners and then placed between the lot corners at equidistant intervals no more than 50 feet on-center. An automatic gate constructed of black wrought iron or tubular steel located outside of the right-of-way shall provide secure each access to each lot. Gates shall be located a minimum of 20

feet from the edge of the street. The side and rear yards of the residential lots (labeled as Lots 1 through 22 on Exhibit D [to Ordinance 2011-07-326]) shall be enclosed with black wrought-iron or tubular steel fencing. Such fencing shall be placed on the side property lines and parallel to the rear property line along the boundary of the polo easement.

b. Landscaping - In addition to other landscape requirements of the City, a minimum of one (1) three-inch (3") caliper deciduous and evergreen tree shall be planted in the landscape buffer per fifty (50) linear feet (a minimum of two (2) trees per lot). A minimum of one (5) five gallon shrub not to exceed three (3) feet in height shall be planted in the landscape buffer every thirty (30) inches.

c. Installation and Maintenance - The automatic gate, split rail fence with stone columns, interior fencing along side and rear yards, and landscaping shall be installed by the homebuilder prior to issuance of a Certificate of Occupancy for the home on which the improvements are located. Each homeowner shall maintain the fence within the 15-foot landscape buffer.

14) Driveways - Driveways shall be asphalt or concrete and at least 16 feet in width. Each owner shall maintain its driveway and entry gate in good working order and repair at all times.

15) Future Sanitary Sewer Connection - If the obligation to extend sanitary sewer services to the single-family lots is initially waived by the City, the developer will construct a sanitary sewer line and extend sanitary sewer service to all 22 home lots within the subdivision prior to or concurrently with the construction of the country club and/or clubhouse facilities. Prior to the issuance of a Certificate of Occupancy for each home, the homebuilder shall stub a sanitary sewer lateral six inches from the front property line so that each home will be able to switch from septic service to public sanitary sewer service if and when such service is provided.

Tract 2: PD-R1 Single-Family Residential District (36.09 acres)

Tract 2 shall be developed under the regulations of the R-1 Single-Family Residential District as outlined in Section V of the Zoning Ordinance No. 2002-04 as is currently exists, or may be amended, and in general compliance with Exhibit D [to Ordinance 2011-07-326] subject to the following conditions:

1) Permitted Uses - In addition to those uses permitted by the Single-Family Residential District, permitted uses on Tract 2 may include polo fields, equestrian arenas, and stables. Lots 23 and 24 shall be permitted to have one horse per stall, not to exceed 200 stalls.

2) This district will allow country club, pool, spa, tennis courts, restaurant, meeting space and related uses in the areas shown on Exhibit "D" [to Ordinance 2011-07-326].

3) Parking shall be provided as required by [Section IX](#) of the Zoning Ordinance No. 2002-04 as is currently exists or may be amended. Improved parking shall be constructed to serve any future improvements on the property.

General Conditions for Tracts 1 and 2

Signage shall be allowed as follows:

- 1) Development signs - One (1) free-standing development sign may be erected at the southeast corner of Yacht Club Road and Martingale Trail and one (1) free-standing development sign may be erected at the southwest corner of Martingale Trail and proposed Norman Brinker Way. The signs shall not to exceed fourteen (14) feet in height or have a sign face greater than sixty (60) square feet (6' x 10'). Development signs shall be built of wood or metal and placed on private property setback five (5) feet from the property line. The design of the development signs are shown in Exhibit E-3 [to Ordinance 2011-07-326].
- 2) Monument/Wall signs - One (1) monument/wall sign used for the purpose of subdivision identity shall be allowed at each of the following locations: the southeast corner of Yacht Club Drive and Martingale Trail, the southeast and southwest corners of Prestonwood Polo Drive and Martingale Trail, and the southwest corner of Martingale Trail and Norman Brinker Way. Such signs shall be no larger than six (6) feet in height and twenty-six (26) feet in width and shall be brick and cast stone with ground-based up lighting. The monument/wall signs shall be constructed on private property within sign easements dedicated to and maintained by the HOA. The design of the monument/wall signs are shown in Exhibit E-2 [to Ordinance 2011-07-326]. The general location of the monument signs are shown the entry sign easements on Exhibit D [to Ordinance 2011-07-326].
- 3) Up to two 3' x 8' Prestonwood Polo metal signs as shown in Exhibit E-3 [to Ordinance 2011-07-326] may be attached to the entrance gate on Yacht Club Road at the southwest corner of Tract 2.
- 4) Up to two (2) sponsor signs not to exceed ten (10) feet tall with sign faces of up to 8' x 20' and one (1) 20' x 20' polo scoreboard are permitted on the east side of Polo Field 1.

(Ordinance 2011-07-326, sec. 4, adopted 7/18/11)

P.D. NO. 10

REQUIREMENTS AND STANDARDS FOR DEVELOPMENT

The property shall be developed under the regulations of the R-4X Single-Family Residential District as outlined in Section V of the Zoning Ordinance No. 2002-04 as is currently exists, or may be amended, subject to the following conditions and amendments:

- 1) Permitted Uses - In addition to those uses permitted by the R-4X Single-Family Residential District, the following uses are permitted:
 - a) Government Center/Offices
 - b) Storage Buildings and Storage Yard
 - c) Parks
- 2) Setbacks - The minimum front yard shall be 25 feet.
- 3) Exterior Facade Construction - A minimum of 80% of the total area of the exterior facades of any building shall be constructed of masonry materials and the area of any single facade must contain a minimum of 75% masonry materials. The percentage calculations shall exclude the area used for

windows and masonry shall be defined as brick, stone, masonry siding, split face concrete masonry units, stucco, granite, or marble. Metal shall be permitted as an exterior material for building facades for any existing buildings on the property as of December 19, 2011.

4) Off-Street Parking - One (1) off-street parking space per maximum number of employees on a shift plus one (1) off-street parking space for each three (3) seats in a community meeting /assembly room shall be provided. Additional parking is not required of park facilities.

5) Signs - Any type of sign may be placed on the property provided the purpose of the sign is to convey information regarding City sponsored meetings or special events.

(Ordinance 2011-07-326, sec. 4, adopted 7/18/11)

P.D. NO. 10

REQUIREMENTS AND STANDARDS FOR DEVELOPMENT

The property shall be developed under the regulations of the R-4X Single-Family Residential District as outlined in Section V of the Zoning Ordinance No. 2002-04 as is currently exists, or may be amended, subject to the following conditions and amendments:

1) Permitted Uses - In addition to those uses permitted by the R-4X Single-Family Residential District, the following uses are permitted:

- a) Government Center/Offices
- b) Storage Buildings and Storage Yard
- c) Parks

2) Setbacks - The minimum front yard shall be 25 feet.

3) Exterior Facade Construction - A minimum of 80% of the total area of the exterior facades of any building shall be constructed of masonry materials and the area of any single facade must contain a minimum of 75% masonry materials. The percentage calculations shall exclude the area used for windows and masonry shall be defined as brick, stone, masonry siding, split face concrete masonry units, stucco, granite, or marble. Metal shall be permitted as an exterior material for building facades for any existing buildings on the property as of December 19, 2011.

4) Off-Street Parking - One (1) off-street parking space per maximum number of employees on a shift plus one (1) off-street parking space for each three (3) seats in a community meeting /assembly room shall be provided. Additional parking is not required of park facilities.

5) Signs - Any type of sign may be placed on the property provided the purpose of the sign is to convey information regarding City sponsored meetings or special events.

(Ordinance 2011-12-335, sec. 4, adopted 12/19/11)

P.D. NO. 11

COMMERCIAL RETAIL DEVELOPMENT STANDARDS

PD-Community Commercial (PD-CC) (10 acres/435,600 square feet)

The property shall be developed under the regulations of the Community Commercial (CC) District as outlined in [Section V](#) of the Zoning Ordinance No. 2002-04 as is currently exists, or may be amended, and in general compliance with Exhibit D [to Ordinance 2012-03-340] subject to the following conditions:

1. Permitted Uses. Permitted uses include the uses permitted in the CC District and the following uses:
 - * Amusement - inside.
 - * Antenna, broadcasting (SUP).
 - * Antique shop/used furniture.
 - * Assisted care or living facility.
 - * Athletic stadium/field.
 - * Auto parts sales (incidental to the primary use only).
 - * Automotive service garage.
 - * Bank/credit union/savings and loan (with or without drive thru facilities).
 - * Beauty shop/barber shop.
 - * Bed and breakfast inn.
 - * Building material and hardware store (maximum of 75,000 square feet of enclosed floor area for each store).
 - * Church, including church-related uses and activities (i.e. daycare, recreation, etc.).
 - * Civic/convention center.
 - * Community center.
 - * Consumer goods repair.
 - * Convenience store with gas pumps and accessory carwash.
 - * Convenience store without gas pumps and accessory carwash.
 - * Country club, including country club-related uses (i.e. clubhouse, golf course, swimming pool, tennis courts, etc.).
 - * Dance/gymnastics studio.
 - * Day care for children/preschool.
 - * Drug store.
 - * Dry cleaning.
 - * Flower shop.
 - * Furniture, home furnishings and appliances (maximum of 75,000 square feet of enclosed floor area for each store).

- * Gasoline service station with gas pumps and accessory carwash.
- * Government center/service/office.
- * Golf course, including golf course-related uses and activities (i.e. clubhouse, etc.).
- * Grocery store/food market (maximum of 75,000 square feet of enclosed floor area for each store).
- * Health and fitness center.
- * Hospital.
- * Hotel.
- * Medical emergency clinic (minor).
- * Medical/dental/optical office.
- * Medical laboratory.
- * Municipal uses operated by the City of Oak Point.
- * Museum/art gallery.
- * Nursery/garden center (commercial).
- * Office, administrative, governmental, medical, professional.
- * Office showroom.
- * Park, playground, open space, trail(s), recreation center/amenity center, including related uses (i.e. play equipment, swimming pool, tennis court, skate board/roller hockey court, basketball court, volleyball court, etc.) (public and/or private).
- * Professional/non-inventory sales/service.
- * Print shop.
- * Research and development center.
- * Restaurant.
- * Restaurant with drive-thru/drive-in service.
- * Retail sales/service (maximum of 75,000 square feet of enclosed floor area for each store).
- * School (public).
- * School (private/parochial).
- * Studio, instructional/artistic.
- * Temporary field construction office.
- * Theater.
- * Utility distribution lines and facilities (excluding power stations).
- * Veterinary clinic/kennel with no outside pens.

* Other uses similar to the above listed permitted uses, provided that the Oak Point City Council approves the proposed uses prior to issuance of a building permit.

1. For the purpose of this Planned Development, Office Showroom shall be defined as an establishment with a minimum of seventy-five percent (75%) of its total enclosed floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.
2. For the purpose of this Planned Development, Research and Development Center shall be defined as a facility that includes laboratories and experimental equipment for medical testing, prototype design and development, and product testing. Any facility that is determined by Health, Fire, or Building officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation is not to be included in this category
3. Retail, commercial, office and/or city services uses shall be permitted to develop on the property in general conformance with the General Development Plan (Exhibit D) [to Ordinance 2012-03-340]. The conceptual layout for the uses, as indicated on the General Development Plan, may be altered at the time of site planning, platting and/or Detailed Development Plan without amending Zoning and/or the General Development Plan, provided the revised layout is in general conformance with the conceptual layout in the approved General Development Plan, and the requirements within this ordinance are met.

Commercial/Retail/Office/City Services

If Tract 1 is developed with commercial, retail, office and/or city service uses, the development standards are subject the standards of the CC District as outlined in City of Oak Point Zoning Ordinance (Ord. No. 2002-04), as it currently exists or may be amended subject to the following conditions:

1. Minimum lot area shall be thirty thousand (30,000) gross square feet; No maximum lot area.
2. Minimum lot width shall be eight feet (80'); No maximum lot width.
3. Minimum lot depth shall be one hundred feet (100'); No maximum lot depth.
4. Maximum lot coverage shall be fifty percent (50%).
5. Minimum front yard shall be forty-five feet (45'). Front yards are required on both streets for corner lots.
6. Minimum rear yard shall be twenty feet (20').
7. Minimum side yard shall be twenty feet (20'). No side yard shall be required where commercial structures are attached.
8. Parking shall be permitted in front, rear and side yards, but shall be prohibited in the required thoroughfare landscape buffers.
9. Maximum building height shall be two (2) stories, not to exceed forty feet (40').

10. Maximum Floor Area Ratio shall be 0.45:1.

11. Big box retail shall not be permitted, unless otherwise approved by Planning & Zoning Commission and/or City Council. Big box retail shall be defined as a single tenant retail building or a single tenant space with more than 75,000 square feet of enclosed floor area.

Thoroughfare Landscape Buffers

1. A thoroughfare landscape buffer with a minimum width of twenty-five feet (25') shall be provided adjacent to and outside of the right-of-way of F.M. 720.

2. The thoroughfare landscape buffer along F.M. 720 shall include at a minimum the following:

a. A minimum of one (1) Large/Shade Tree, as defined by the City of Oak Point [Appendix C - Approved Landscape Materials](#), for every thirty (30) linear feet of landscape buffer. Large/Shade Trees shall be a minimum of three caliper inches (3") at time of planting, and may be evenly spaced in a formal manner, or spaced in informal, non-linear groupings.

b. Two (2) Ornamental Trees, as defined by the City of Oak Point [Appendix C - Approved Landscape Materials](#), may be substituted for one (1) Large/Shade Tree. Ornamental Trees shall be a minimum of three caliper inches (3") at time of planting, and may be evenly spaced in a formal manner, or spaced in informal, non-linear groupings.

c. Large/Shade Trees shall be planted a minimum of four feet (4') from curbs, sidewalks and utility lines. Ornamental Trees may be planted a minimum of three feet (3') from curbs, sidewalks and utility lines with approval of the City Engineer or designee.

d. Earthen berms shall be required within the thoroughfare landscape buffer, and shall not exceed a 4:1 slope. Berms shall be non-continuous, of gently rolling contour, and shall not interfere with positive drainage.

3. Uniform landscape materials and/or designs shall be used for all thoroughfare landscape buffers and landscaped entry features/areas adjacent to F.M. 720 to provide an overall unifying theme.

4. Uniform construction/building materials and/or design shall be used for screening walls/fences, entryways, signage, street furniture and lighting adjacent to F.M. 720 to provide an overall unifying theme.

5. A thoroughfare landscape buffer with a minimum width of twenty feet (20') shall be provided adjacent to and outside of the right-of-way of McCormick Road.

6. The thoroughfare landscape buffer along McCormick Road shall include at a minimum the following:

a. A minimum of one (1) Large/Shade Tree, as defined by the City of Oak Point [Appendix C - Approved Landscape Materials](#), for every thirty (30) linear feet of landscape buffer. Large/Shade Trees shall be a minimum of three caliper inches (3") at time of planting, and may be evenly spaced in a formal manner, or spaced in informal, non-linear groupings.

b. Two (2) Ornamental Trees, as defined by the City of Oak Point [Appendix C - Approved Landscape Materials](#), may be substituted for one (1) Large/Shade Tree. Ornamental Trees shall be a minimum of three caliper inches (3") at time of planting, and may be evenly spaced in a formal manner, or spaced in informal, non-linear groupings.

c. Large/Shade Trees shall be planted a minimum of four feet (4') from curbs, sidewalks and utility lines. Ornamental Trees may be planted a minimum of three feet (3') from curbs, sidewalks and utility lines with approval of the City Engineer or designee.

d. Earthen berms shall be required within the thoroughfare landscape buffer, and shall not exceed a 4:1 slope. Berms shall be non-continuous, of gently rolling contour, and shall not interfere with positive drainage.

7. Uniform landscape materials and/or designs shall be used for all thoroughfare landscape buffers and landscaped entry features/areas adjacent to McCormick Drive to provide an overall unifying theme.

8. Uniform construction/building materials and/or design shall be used for all screening walls/fences, entryways, signage, street furniture and lighting adjacent to provide an overall unifying theme.

Construction and Architectural Standards

Construction and architectural standards shall be provided in accordance with the City of Oak Point Zoning Ordinance (Ord. 2002-04), as it currently exists or may be amended, subject to the following conditions:

1. All structures shall have similar architectural styles, materials and colors.

2. All structures shall be constructed of masonry as the primary construction material. Masonry shall consist of brick, stone or similar masonry unit-type materials, or a minimum of one [inch] (1") thick stucco construction. Secondary construction materials may be used to accent primary materials with the following limits on any one facade:

a. Aluminum, or other metals maximum of ten percent (10%).

b. Stucco or cement siding maximum of twenty percent (20%).

c. Tinted or split face Concrete Masonry Unit (CMU) maximum of fifteen percent (15%).

d. Exterior Insulation and Finish Systems (EIFS) or similar maximum of twenty percent (20%) if approved by Planning & Zoning Commission and/or City Council at time of site plan, platting and/or Detailed Development Plan approval.

Parking Requirements

Parking standards shall be provided in accordance with [Section IX](#) Parking Requirements of the City of Oak Point Zoning Ordinance (Ord. 2002-04), as it currently exists or may be amended.

Lot Subdivisions

Lots are not be required to have frontage on F.M. 720 or McCormick Road provided a minimum of two separate means of access are provided to a lot without frontage through a series of fire lane easements

that extend to two separate driveways along F.M. 720 and/or McCormick Road. The fire lane easements shall be dedicated to the City by plat.

Signage

One (1) individual monument sign may be constructed on each lot containing a building. An individual monument sign shall not exceed sixty (60) square feet in area and shall not be greater than eight (8) feet in height. Signs shall be constructed entirely of masonry materials or shall include a one-foot masonry border. Sign height shall be measured from grade to the highest point of the sign and the border shall be included in the measurement of the sign area.

In the future, the City Council will consider authorizing the use of a maximum of one (1) multi-user monument sign along F.M. 720. A multi-user monument sign is intended to be used by occupants of any portion of the Property. The size, height, and design of the multi-user monument sign are all subject to City Council approval.

(Ordinance 2012-03-340 adopted 3/26/12)

P.D. NO. 12

REQUIREMENTS AND STANDARDS FOR DEVELOPMENT

Timberlake Estates Planned Development

All zoning regulations, standards, uses, requirements, and processes for the R4X District of the City of Oak Point Zoning Ordinance (Ord. No. 2002-04), as it exists or may be amended, shall apply to the Planned Development except as follows:

1. Permitted Uses:

The following use(s) shall not be permitted:

- * Industrialized/Modular Housing

Additional permitted uses shall include the following:

- * All allowed uses and allowed uses by Specific Use Permit of the A District of the City of Oak Point Zoning Ordinance for Agriculture Uses for any unplatted portion of the Planned Development District.
- * Park; playground; open space; trail(s); play fields; athletic fields; public or private recreation center/amenity center and related uses (i.e. play equipment, swimming pool, tennis court(s), basketball court, multi-sport court(s), restroom/change room, picnic shelters, etc.); provided that courts or athletic fields will not be lighted.

2. The maximum number of single-family residential units permitted shall be ninety-five (95).

3. The following single-family residential lot development standards shall apply:

- a. The minimum lot area shall be 7,500 sq. ft.
- b. The minimum lot width shall be 60 ft. measured along the platted front yard building line.
- c. The minimum lot depth shall be 100 ft., measured at the midpoints of the front and rear lot lines.

- d. The minimum front yard shall be 25 ft.
- e. The minimum side yard shall be 7 ft.
- f. The minimum side yard adjacent to a street shall be 15 ft., unless the lot is a key lot, then the minimum side yard shall be 25 ft.
- g. The minimum rear yard shall be 20 ft.
- h. The maximum lot coverage shall be 45%, including only main structures and accessory structures.
- i. The minimum dwelling area (air-conditioned) shall be 1,400 sq. ft.
- j. The maximum structure height shall be two and one-half (2-1/2) stories measured at the highest point of the structure, not to exceed forty feet (40').
- k. The following lot development standards shall apply to at least 10% of the single-family residential lots:
 - 1) The minimum lot area shall be 15,000 sq. ft.
 - 2) The minimum lot width shall be 90 ft. measured along the platted front yard building line.
 - 3) The minimum lot depth shall be 130 ft., measured at the midpoints of the front and rear lot lines. The minimum depth may be reduced to 120 ft. for lots fronting cul-de-sacs or "eyebrows/elbows".
 - 4) The minimum front yard shall be 30 ft.
 - 5) The minimum side yard shall be 15 ft.
 - 6) The minimum side yard adjacent to a street shall be 15 ft., unless the lot is a key lot, then the minimum side yard shall be 30 ft.
 - 7) The minimum rear yard shall be 30 ft.
 - 8) The maximum lot coverage shall be 30%, including only main structures and accessory structures.
 - 9) The minimum dwelling area (air-conditioned) shall be 1,800 sq. ft.
 - 10) The maximum structure height shall be two and one-half (2-1/2) stories measured at the highest point of the structure, not to exceed forty feet (40').
- l. The following lot development standards shall apply to at least 25% of the single-family residential lots, exclusive of the lots meeting the standards in [subsection] 3.k.:
 - 1) The minimum lot area shall be 10,000 sq. ft.
 - 2) The minimum lot width shall be 70 ft. measured along the platted front yard building line.
 - 3) The minimum lot depth shall be 110 ft., measured at the midpoints of the front and rear lot lines. The minimum depth may be reduced to 100 ft. for lots fronting cul-de-sacs or "eyebrows/elbows".
 - 4) The minimum front yard shall be 30 ft.
 - 5) The minimum side yard shall be 10 ft.

- 6) The minimum side yard adjacent to a street shall be 15 ft., unless the lot is a key lot, then the minimum side yard shall be 30 ft.
- 7) The minimum rear yard shall be 25 ft.
- 8) The maximum lot coverage shall be 45%, including only main structures and accessory structures.
- 9) The minimum dwelling area (air-conditioned) shall be 1,500 sq. ft.
- 10) The maximum structure height shall be two and one-half (2-1/2) stories measured at the highest point of the structure, not to exceed forty feet (40').

4. Construction Standards

- a. The main structure for residential uses shall be constructed of a minimum of 80% total masonry for all facades with no single facade having less than 75% masonry. Masonry shall consist of brick, stone, or similar masonry unit type materials, or a minimum of one-inch (1") thick stucco construction. "Facade" shall mean: Any separate face of a structure, including parapet walls and omitted wall line, or any part of a structure which encloses or covers usable space. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered part of a single facade.
- b. Roof slopes for the main structure of residential uses shall be a minimum of 8:12 and roof construction shall include opposing roof elements on the front facade and at least one other facade, unless otherwise approved by the Planning & Zoning Commission and/or City Council.
- c. The use of wood shakes or shingles as roofing material is prohibited.

5. General Conditions and Restrictions

- a. A minimum of 1.50 acres of open space shall be provided and located in general conformance to Exhibit A&D [to Ordinance 2012-04-343], the intent being to provide at least one (1) open space area centrally located within the PD, and at least one and one-quarter (1-1/4) acres in area. Open space may consist of thoroughfare landscape buffers, trail(s), private parks and recreation centers and related uses, creeks, ponds, floodplain, common areas, landscape areas, areas utilized as detention, etc. At a minimum, the centrally located open space shall include two (2) picnic tables, four (4) benches, twelve (12) three-inch (3") shade trees selected from the Large/Shade Tree List, as defined by the City of Oak Point Zoning Ordinance [Appendix C - Approved Landscape Materials](#), and an automatic irrigation system. City park fees will be required in lieu of park dedication requirements.
- b. Street "A" shall have a minimum right-of-way width of 60 feet, and a minimum pavement width of 36 feet (face-of-curb to face-of-curb) where shown on Exhibit A&D [to Ordinance 2012-04-343]. The remaining portion of Street "A" and all other streets shall have a minimum right-of-way width of 50 feet and a minimum pavement width of 30 feet (face-of-curb to face-of-curb).
- c. Lots adjacent to the west boundary of the PD shall be developed in accordance with the standards in [subsection] 3.k.

- d. At least one (1) street connection shall be provided to the east boundary of the PD.
- e. The minimum centerline radius for Street "A", as shown on Exhibit A [to Ordinance 2012-04-343], shall be 300 ft. The minimum centerline radius for all other streets shall be 250 ft.
- f. A curvilinear street pattern is not required.
- g. There shall be no maximum block length requirements along the perimeter of the PD.
- h. Sidewalks are required on both sides of all streets. The minimum width of the sidewalk along the north side of Street "A" shall be 6 ft. The minimum width along the south side of Street "A" and all other streets shall be 4 ft. The sidewalk along the north side of Street "A" and sidewalks adjacent to open space shall be constructed by the developer with the streets prior to final acceptance of the subdivision improvements. The sidewalk along the south side of Street "A" and sidewalks along all other streets adjacent to lots shall be constructed by the homebuilder with homes built on adjacent lots prior to the issuance of a certificate of occupancy.
- i. The land plan depicted on Exhibit A [to Ordinance 2012-04-343] is conceptual and subject to change. Revisions to the plan shall not constitute an amendment of the PD, or require the submittal and approval of a revised plan prior to submittal of a preliminary plat, provided that all restrictions of the PD are adhered to, and provided the revised plan is in accordance with the subdivision rules and regulations unless superseded by the PD or waived by the City Staff, Planning & Zoning Commission, and/or City Council, as applicable.
- j. Alleys shall be permitted, but not required. If provided, alleys shall have a minimum right-of-way of 15 ft., and minimum pavement width of 10 ft. Alleys are not permitted adjacent to open space.
- k. Phasing of the development may occur, provided the subdivision rules and regulations are adhered to unless superseded by the PD or waived by the City Staff, Planning & Zoning Commission, and/or City Council, as applicable.
- l. The required open space adjacent to Shahan Prairie Road shall satisfy any thoroughfare screening or buffering requirements and no other construction or installation is required.
- m. One-half (1/2) of the ultimate right-of-way for Shahan Prairie Road, one-half being 55 ft., shall be dedicated adjacent to the planned development boundary from the centerline of the existing pavement. Improvements to Shahan Prairie Road shall not be required in conjunction with the platting and construction of the planned development.
- n. Setback requirements for any permitted recreation or amenity structures on a lot or open space shall be as follows:
 - 1) Front: 15 ft.
 - 2) Side: 15 ft.
 - 3) Rear: 15ft.

o. Trees with a minimum of three (3) caliper inches selected from the Large/Shade Tree List, as defined by the City of Oak Point Zoning Ordinance [Appendix C - Approved Landscape Materials](#), shall be provided on each single-family lot. Required trees may be installed within the required yards. Existing healthy tree(s) of any variety, with a minimum of three (3) caliper inches, shall count towards meeting this requirement. At least three (3) trees shall be located on each lot 15,000 sq. ft. or larger. At least two (2) trees shall be located on each lot smaller than 15,000 sq. ft. All required trees shall be planted by the homebuilder within thirty (30) days of home occupancy for each lot.

(Ordinance 2012-04-343 adopted 4/16/12)

P.D. NO. 13

REQUIREMENTS AND STANDARDS FOR DEVELOPMENT

Timberlake Estates Planned Development

All zoning regulations, standards, uses, requirements, and processes for the R4X District of the City of Oak Point Zoning Ordinance (Ord. No. 2002-04), as it exists or may be amended, shall apply to the Planned Development except as follows:

1. Permitted Uses:

The following use(s) shall not be permitted:

- * Industrialized/Modular Housing

Additional permitted uses shall include the following:

- * All allowed uses and allowed uses by Specific Use Permit of the A District of the City of Oak Point Zoning Ordinance for Agriculture Uses for any unplatted portion of the Planned Development District.
- * Park; playground; open space; trail(s); playfields; athletic fields; public or private recreation center/amenity center and related uses (i.e. play equipment, swimming pool, tennis court(s), basketball court, multi-sport court(s), restroom/change room, picnic shelters, etc.); provided that courts or athletic fields will not be lighted.

2. The maximum number of single-family residential units permitted shall be three hundred eighty-five (385).

3. The following single-family residential lot development standards shall apply:

- a. The minimum lot area shall be 6,000 sq. ft.
- b. The minimum lot width shall be 50 ft. measured along the platted front yard building line.
- c. The minimum lot depth shall be 100 ft., measured at the midpoints of the front and rear lot lines.
- d. The minimum front yard shall be 20 ft.
- e. The minimum side yard shall be 5 ft.
- f. The minimum side yard adjacent to a street shall be 15 ft., unless the lot is a key lot, then the minimum side yard shall be 20 ft.

- g. The minimum rear yard shall be 20 ft.
- h. The maximum lot coverage shall be 50%, including main structures and accessory structures.
- i. The minimum dwelling area (air-conditioned) shall be 1,800 sq. ft.
- j. The maximum structure height shall be two and one-half (2-1/2) stories measured at the highest point of the structure, not to exceed forty feet (40').
- k. The following lot development standards shall apply to at least 30% of the single-family residential lots:
 - i. The minimum lot area shall be 7,200 sq. ft.
 - ii. The minimum lot width shall be 60 ft. measured along the platted front yard building line.
 - iii. The minimum lot depth shall be 110 ft., measured at the midpoints of the front and rear lot lines.
 - iv. The minimum front yard shall be 20 ft.
 - v. The minimum side yard shall be 5 ft.
 - vi. The minimum side yard adjacent to a street shall be 15 ft., unless the lot is a key lot, then the minimum side yard shall be 20 ft.
 - vii. The minimum rear yard shall be 20 ft.
 - viii. The maximum lot coverage shall be 50%, including main structures and accessory structures.
 - ix. The minimum dwelling area (air-conditioned) shall be 1,800 sq. ft.
 - x. The maximum structure height shall be two and one-half (2-1/2) stories measured at the highest point of the structure, not to exceed forty feet (40').

4. Construction and Architectural Standards.

- a. The main structure for residential uses shall be constructed of a minimum of 80% total masonry for all facades, exclusive of doors, windows, porches, chimneys, and walls provided in conjunction with an architectural element above the roofline (example: walls for dormers). No single facade shall have less than 75% masonry. "Facade" shall mean: Any separate face of a structure, including parapet walls and omitted wall line, or any part of a structure which encloses or covers usable space. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered part of a single facade. Masonry shall consist of brick, stone, or similar masonry unit type materials, or a minimum of one (1") inch thick stucco construction.
- b. Roof slopes for the main structure of residential uses shall be a minimum of 8:12 and roof construction shall include opposing roof elements on the front facade and at least one other facade, unless otherwise approved by the Planning & Zoning Commission and/or City Council.
- c. All ground level mechanical, heating, ventilation, and air-conditioning equipment shall be screened from view from a street with fence or landscaping that is at least six feet tall.

- d. All garage doors shall be wood trimmed and stained, with reveals and textures[.]
- e. Front doors shall be at least 8' tall.
- f. All single-family residential units shall be required to provide at least three of the following architectural elements:
 - i. 100 percent of each wall is finished with a masonry material exclusive of doors, windows, porches, chimneys, and walls provided in conjunction with an architectural element above the roofline (example: walls for dormers);
 - ii. The front facade contains two types of complementary masonry finishing materials, with each of the materials being used on at least 25 percent of the front facade;
 - iii. A minimum of 10 percent of the unit's front facade features patterned brick work, excluding soldier or sailor brickwork provided in association with a door or window;
 - iv. The unit only features garage doors that have a carriage style design;
 - v. A minimum of three offsets in the front facade measuring at least one foot deep are provided or a minimum of one offset in the front facade measuring at least three feet is provided;
 - vi. The unit features an articulated front entrance through the use of lintels, pediments, keystones, pilasters, arches, columns, or other similar architectural elements;
 - vii. A covered front porch which is at least 100 square feet in area is provided;
 - viii. At least one dormer is provided for each roof plane over 500 square feet in area that faces a street. The dormer must be appropriately scaled for the roof plane and shall not be wider than the windows on the building elevation below; or
 - ix. Roof pitch at 10:12 side to side is incorporated into the front of the house;
 - x. At least 50% of the windows facing a street feature shutters which must be in scale with the corresponding window; or
 - xi. Other innovative designs as may be requested by an applicant and approved by staff, or in staff's discretion or denial forwarded to the Planning and Zoning Commission for consideration, and if denied by the Planning and Zoning Commission, then appealed to the City Council. Such designs shall not have an adverse impact on current or future development, shall be in keeping with the spirit of the purpose of this section, shall not reduce the quality of the development, and shall not have an adverse impact on the public health, safety, and general welfare. Such applications and approvals shall not constitute an amendment of the Planned Development.

5. General Conditions and Restrictions.

- a. A minimum of 20 acres of open space shall be provided and located in general conformance to Exhibit "D" [to Ordinance 2013-09-365], the intent being to provide at least one open space area centrally located within the PD as shown on Exhibit "D" [to Ordinance 2013-09-365]. Open space may

consist of thoroughfare landscape buffers, medians, trail(s), private parks and recreation centers and related uses, creeks, ponds, floodplain, common areas, landscape areas, areas utilized as detention, etc. At a minimum, the centrally located open space shall be at least 3 acres, include four (4) picnic tables, six (6) benches, a covered pavilion, and an automatic irrigation system in improved areas. City park fees will be required in lieu of park dedication requirements.

b. A curvilinear street pattern is not required.

c. There shall be no maximum block length requirements along the perimeter of the PD.

d. Sidewalks with a minimum width of five (5) feet are required on both sides of all streets. All sidewalks adjacent to open space shall be constructed by the developer with the streets prior to final acceptance of the subdivision improvements.

e. The land plan depicted on Exhibit D [to Ordinance 2013-09-365] is conceptual and subject to change. Revisions to the plan shall not constitute an amendment of the PD, or require the submittal and approval of a revised plan prior to submittal of a preliminary plat, provided that all restrictions of the PD are adhered to, and provided the revised plan is in accordance with the subdivision rules and regulations unless superseded by the PD or waived by the City Staff, Planning & Zoning Commission, and/or City Council, as applicable.

f. Alleys shall be permitted, but not required. If provided, alleys shall have a minimum right-of-way of 18 ft., and minimum pavement width of 12 ft. Alleys are not permitted adjacent to open space.

g. Phasing of the development may occur, provided the subdivision rules and regulations are adhered to unless superseded by the PD or waived by the City Staff, Planning & Zoning Commission, and/or City Council, as applicable.

h. The minimum width of landscaped open space adjacent to Shahan Prairie Road and future Martop Road shall be 20 ft. At a minimum, landscaping shall include irrigation and 3-inch caliper trees selected from the "Large/Shade Tree List", as defined by the City of Oak Point Zoning Ordinance [Appendix C - Approved Landscape Materials](#), and crepe myrtles. At a minimum, one Large/Shade Tree and two crepe myrtles shall be required for every thirty (30) linear feet of landscaped open space adjacent to Shahan Prairie Road and Martop Road. An existing, healthy tree greater than 3-inch caliper that is preserved, regardless of species or type, shall satisfy the planting requirements for one required tree. The requirements of this section shall satisfy all roadway screening and buffering requirements for Shahan Prairie Road and future Martop Road.

i. One-half (1/2) of the ultimate right-of-way for Shahan Prairie Road and Martop Road, one-half being 55 ft. from the centerline of the existing pavement or 110' from the existing and ultimate ROW line on the opposite side if already established, shall be dedicated adjacent to the planned development boundary at the earlier of adjacent final platting or construction of the roadway. Improvements to Shahan Prairie Road and Martop Road shall consist of one-half the ultimate roadway section adjacent to the planned development boundary being two (2) adjacent twelve foot (12') travel lanes of a future

four lane median divided roadway. The improvements shall be constructed by the developer concurrently with the development of adjacent phases of the planned development. Alternately, at the City's sole determination, funds may be escrowed by the developer for the later construction of the improvements by others.

j. Setback requirements for any permitted recreation or amenity structures on a lot or open space shall be as follows:

i. Front: 15 ft.

ii. Side: 15 ft.

iii. Rear: 15 ft.

o.[k.] At least two (2) trees with a minimum of three (3) caliper inches selected from the Large/Shade Tree List, as defined by the City of Oak Point Zoning Ordinance [Appendix C - Approved Landscape Materials](#), shall be provided on each single-family lot. At least one required tree shall be installed within the front yard. An existing healthy tree(s) of any variety, with a minimum of three (3) caliper inches, shall satisfy the requirement for one required tree(s). All required trees shall be planted within thirty (30) days of home occupancy for each lot.

6. A minimum of 15 acres of open space with existing tree stands shall be preserved (healthy trees only) and generally located as shown on Exhibit "F" [to Ordinance 2013-09-365]. Trees within the preservation areas may be removed and cleared for roadways, utilities, and open space improvements as required. Pruning, understory clearing, and maintenance is allowed to occur within the preservation areas. The preservation of trees in these areas, along with the planting requirements in Paragraph 6 shall satisfy all of the tree preservation and mitigation requirements for this PD. Future revisions to the Concept Plan that modifies the location or limits of the tree preservation areas shall maintain the same quality and character of tree stands within the areas shown on Exhibit "F" [to Ordinance 2013-09-365]. Assessing the quality and character of proposed alternate locations may, at the City's discretion, require a tree inventory of the current and proposed locations at the time of application for a revision to the Concept Plan in order to compare the total caliper inches of trees equal to or greater than 6 inches in diameter in each area.

(Ordinance 2013-09-365 adopted 9/16/13)

P.D. NO. 14

COMMERCIAL RETAIL DEVELOPMENT STANDARDS

PD-Community Commercial (PD-CC) (0.794 acres/34,587 square feet)

The property shall be developed under the regulations of the Community Commercial (CC) District as outlined in [Section V](#) of the Zoning Ordinance No. 2002-04 as is currently exists, or may be amended, and in general compliance with Exhibit D [to Ordinance 2013-12-373] subject to the following conditions:

1. Permitted Uses. Permitted uses include the uses permitted in the CC District and the following uses:

* Amusement - inside.

- * Antique shop/used furniture.
- * Assisted care or living facility.
- * Auto parts sales (incidental to the primary use only).
- * Bank/credit union/savings and loan (with or without drive thru facilities).
- * Beauty shop/barber shop.
- * Bed and breakfast inn.
- * Building material and hardware store[.]
- * Church, including church-related uses and activities (i.e. daycare, recreation, etc.).
- * Community center.
- * Consumer goods repair.
- * Convenience store with gas pumps and accessory carwash.
- * Convenience store without gas pumps and accessory carwash.
- * Dance/gymnastics studio.
- * Day care for children/preschool.
- * Drug store.
- * Dry cleaning.
- * Flower shop.
- * Furniture, home furnishings and appliances[.]
- * Gasoline service station with gas pumps and accessory carwash.
- * Government center/service/office.
- * Grocery store/food market
- * Health and fitness center.
- * Hotel.
- * Medical emergency clinic (minor).
- * Medical/dental/optical office.
- * Medical laboratory.
- * Municipal uses operated by the City of Oak Point.
- * Museum/art gallery.
- * Nursery/garden center (commercial).
- * Office, administrative, governmental, medical, professional.

- * Office showroom.
- * Park, playground, open space, trail(s), recreation center/amenity center, including related uses (i.e. play equipment, swimming pool, tennis court, skate board/roller hockey court, basketball court, volleyball court, etc.) (public and/or private).
- * Professional/non-inventory sales/service.
- * Print shop.
- * Restaurant.
- * Restaurant with drive-thru/drive-in service.
- * Retail sales/service
- * School (public).
- * School (private/parochial).
- * Studio, instructional/artistic.
- * Temporary field construction office.
- * Veterinary clinic/kennel with no outside pens.
- * Other uses similar to the above listed permitted uses, provided that the Oak Point City Council approves the proposed uses prior to issuance of a building permit.

a. For the purpose of this Planned Development, Office Showroom shall be defined as an establishment with a minimum of seventy-five (75%) percent of its total enclosed floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

b. Retail, commercial, office and/or city services uses shall be permitted to develop on the property in general conformance with the General Development Plan (Exhibit D [to Ordinance 2013-12-373]). The conceptual layout for the uses, as indicated on the General Development Plan, may be altered at the time of site planning, platting and/or Detailed Development Plan without amending Zoning and/or the General Development Plan, provided the revised layout is in general conformance with the conceptual layout in the approved General Development Plan, and the requirements within this ordinance are met.

2. Commercial/Retail/Office/City Services. If the property is developed with commercial, retail, office and/or city service uses, the development standards are subject the standards of the CC District as outlined in City of Oak Point Zoning Ordinance (Ord. No. 2002-04), as it currently exists or may be amended subject to the following conditions:

- a. Minimum lot area shall be ten thousand (10,000) gross square feet; No maximum lot area.
- b. Minimum lot width shall be sixty (60') feet; No maximum lot width.

- c. Minimum lot depth shall be one hundred (100') feet; No maximum lot depth.
 - d. Maximum lot coverage shall be fifty (50%) percent.
 - e. Minimum front yard shall be forty-five (45') feet. Front yards are required on both streets for corner lots.
 - f. Minimum rear yard shall be twenty (20') feet.
 - g. Minimum side yard shall be twenty (20') feet. No side yard shall be required where commercial structures are attached.
 - h. Parking shall be permitted in front, rear and side yards, but shall be prohibited in the required thoroughfare landscape buffers.
 - i. Maximum building height shall be two (2) stories, not to exceed forty (40') feet.
 - j. Maximum Floor Area Ratio shall be 0.45:1.
3. Thoroughfare Landscape Buffers. A thoroughfare landscape buffer will be per the City's Zoning Ordinance.
4. Construction and Architectural Standards. Construction and architectural standards will be per the City's Zoning Ordinance.
5. Signage. One (1) individual monument sign may be constructed on each lot containing a building. An individual monument sign shall not exceed sixty (60) square feet in area and shall not be greater than eight (8) feet in height. Signs shall be constructed entirely of masonry materials or shall include a one-foot masonry border. Sign height shall be measured from grade to the highest point of the sign and the border shall be included in the measurement of the sign area.

(Ordinance 2013-12-373 adopted 12/16/13)

P.D. NO. 15

REQUIREMENTS AND STANDARDS FOR DEVELOPMENT

Timberlake Estates Planned Development

All zoning regulations, standards, uses, requirements, and processes for the R4X District of the City of Oak Point Zoning Ordinance (Ord. No. 2002-04), as it exists or may be amended, shall apply to the Planned Development except as follows:

1. Permitted Uses:

The following use(s) shall not be permitted:

- * Industrialized/Modular Housing

Additional permitted uses shall include the following:

- * All allowed uses and allowed uses by Specific Use Permit of the A District of the City of Oak Point Zoning Ordinance for Agriculture Uses for any unplatted portion of the Planned Development District.
- * Park; playground; open space; trail(s); playfields; athletic fields; public or private recreation

center/amenity center and related uses (i.e. play equipment, swimming pool, tennis court(s), basketball court, multi-sport court(s), restroom/change room, picnic shelters, etc.); provided that courts or athletic fields will not be lighted.

2. The maximum number of single-family residential units permitted shall be four hundred twenty (420).
3. The following single-family residential lot development standards shall apply:
 - a. The minimum lot area shall be 6,000 sq. ft.
 - b. The minimum lot width shall be 50 ft. measured along the platted front yard building line.
 - c. The minimum lot depth shall be 100 ft., measured at the midpoints of the front and rear lot lines.
 - d. The minimum front yard shall be 20 ft.
 - e. The minimum side yard shall be 5 ft.
 - f. The minimum side yard adjacent to a street shall be 15 ft., unless the lot is a key lot, then the minimum side yard shall be 20 ft.
 - g. The minimum rear yard shall be 20 ft.
 - h. The maximum lot coverage shall be 50%, including main structures and accessory structures.
 - i. The minimum dwelling area (air-conditioned) shall be 1,800 sq. ft.
 - j. The maximum structure height shall be two and one-half (2-1/2) stories measured at the highest point of the structure, not to exceed forty feet (40').
 - k. The following lot development standards shall apply to at least 30% of the single-family residential lots:
 - i. The minimum lot area shall be 7,200 sq. ft.
 - ii. The minimum lot width shall be 60 ft. measured along the platted front yard building line.
 - iii. The minimum lot depth shall be 110 ft., measured at the midpoints of the front and rear lot lines.
 - iv. The minimum front yard shall be 20 ft.
 - v. The minimum side yard shall be 5 ft.
 - vi. The minimum side yard adjacent to a street shall be 15 ft., unless the lot is a key lot, then the minimum side yard shall be 20 ft.
 - vii. The minimum rear yard shall be 20 ft.
 - viii. The maximum lot coverage shall be 50%, including main structures and accessory structures.
 - ix. The minimum dwelling area (air-conditioned) shall be 1,800 sq. ft.
 - x. The maximum structure height shall be two and one-half (2-1/2) stories measured at the highest point of the structure, not to exceed forty feet (40').

4. Construction and Architectural Standards.

- a. The main structure for residential uses shall be constructed of a minimum of 80% total masonry for all facades, exclusive of doors, windows, porches, chimneys, and walls provided in conjunction with an architectural element above the roofline (example: walls for dormers). No single facade shall have less than 75% masonry. "Facade" shall mean: Any separate face of a structure, including parapet walls and omitted wall line, or any part of a structure which encloses or covers usable space. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered part of a single facade. Masonry shall consist of brick, stone, or similar masonry unit type materials, or a minimum of one (1") inch thick stucco construction.
- b. Roof slopes for the main structure of residential uses shall be a minimum of 8:12 and roof construction shall include opposing roof elements on the front facade and at least one other facade, unless otherwise approved by the Planning & Zoning Commission and/or City Council.
- c. All ground level mechanical, heating, ventilation, and air-conditioning equipment shall be screened from view from a street with fence or landscaping that is at least six feet tall.
- d. All garage doors shall be wood trimmed and stained, with reveals and textures[.]
- e. Front doors shall be at least 8' tall.
- f. All single-family residential units shall be required to provide at least three of the following architectural elements:
 - i. 100 percent of each wall is finished with a masonry material exclusive of doors, windows, porches, chimneys, and walls provided in conjunction with an architectural element above the roofline (example: walls for dormers);
 - ii. The front facade contains two types of complementary masonry finishing materials, with each of the materials being used on at least 25 percent of the front facade;
 - iii. A minimum of 10 percent of the unit's front facade features patterned brick work, excluding soldier or sailor brickwork provided in association with a door or window;
 - iv. The unit only features garage doors that have a carriage style design;
 - v. A minimum of three offsets in the front facade measuring at least one foot deep are provided or a minimum of one offset in the front facade measuring at least three feet is provided;
 - vi. The unit features an articulated front entrance through the use of lintels, pediments, keystones, pilasters, arches, columns, or other similar architectural elements;
 - vii. A covered front porch which is at least 100 square feet in area is provided;
 - viii. At least one dormer is provided for each roof plane over 500 square feet in area that faces a street. The dormer must be appropriately scaled for the roof plane and shall not be wider than the windows on the building elevation below; or

- ix. Roof pitch at 10:12 side to side is incorporated into the front of the house;
- x. At least 50% of the windows facing a street feature shutters which must be in scale with the corresponding window; or
- xi. Other innovative designs as may be requested by an applicant and approved by staff, or in staff's discretion or denial forwarded to the Planning and Zoning Commission for consideration, and if denied by the Planning and Zoning Commission, then appealed to the City Council. Such designs shall not have an adverse impact on current or future development, shall be in keeping with the spirit of the purpose of this section, shall not reduce the quality of the development, and shall not have an adverse impact on the public health, safety, and general welfare. Such applications and approvals shall not constitute an amendment of the Planned Development.

5. General Conditions and Restrictions.

- a. A minimum of 20 acres of open space shall be provided and located in general conformance to Exhibit "D" [to Ordinance 2014-06-383], the intent being to provide at least one open space area centrally located within the PD as shown on Exhibit "D" [to Ordinance 2014-06-383]. Open space may consist of thoroughfare landscape buffers, medians, trail(s), private parks and recreation centers and related uses, creeks, ponds, floodplain, common areas, landscape areas, areas utilized as detention, etc. At a minimum, the centrally located open space shall be at least 3 acres, include four (4) picnic tables, six (6) benches, a covered pavilion, and an automatic irrigation system in improved areas. City park fees will be required in lieu of park dedication requirements.
- b. A curvilinear street pattern is not required.
- c. There shall be no maximum block length requirements along the perimeter of the PD.
- d. Sidewalks with a minimum width of five (5) feet are required on both sides of all streets. All sidewalks adjacent to open space shall be constructed by the developer with the streets prior to final acceptance of the subdivision improvements.
- e. The land plan depicted on Exhibit D [to Ordinance 2014-06-383] is conceptual and subject to change. Revisions to the plan shall not constitute an amendment of the PD, or require the submittal and approval of a revised plan prior to submittal of a preliminary plat, provided that all restrictions of the PD are adhered to, and provided the revised plan is in accordance with the subdivision rules and regulations unless superseded by the PD or waived by the City Staff, Planning & Zoning Commission, and/or City Council, as applicable.
- f. Alleys shall be permitted, but not required. If provided, alleys shall have a minimum right-of-way of 18 ft., and minimum pavement width of 12 ft. Alleys are not permitted adjacent to open space.
- g. Phasing of the development may occur, provided the subdivision rules and regulations are adhered to unless superseded by the PD or waived by the City Staff, Planning & Zoning Commission, and/or City Council, as applicable.

h. The minimum width of landscaped open space adjacent to Shahan Prairie Road and future Martop Road shall be 20 ft. At a minimum, landscaping shall include irrigation and 3-inch caliper trees selected from the “Large/Shade Tree List”, as defined by the City of Oak Point Zoning Ordinance [Appendix C - Approved Landscape Materials](#), and crepe myrtles. At a minimum, one Large/Shade Tree and two crepe myrtles shall be required for every thirty (30) linear feet of landscaped open space adjacent to Shahan Prairie Road and Martop Road. An existing, healthy tree greater than 3-inch caliper that is preserved, regardless of species or type, shall satisfy the planting requirements for one required tree. The requirements of this section shall satisfy all roadway screening and buffering requirements for Shahan Prairie Road and future Martop Road.

i. One-half (1/2) of the ultimate right-of-way for Shahan Prairie Road and Martop Road, one-half being 55 ft. from the centerline of the existing pavement or 110' from the existing and ultimate ROW line on the opposite side if already established, shall be dedicated adjacent to the planned development boundary at the earlier of adjacent final platting or construction of the roadway. Improvements to Shahan Prairie Road and Martop Road shall consist of one-half the ultimate roadway section adjacent to the planned development boundary being two (2) adjacent twelve foot (12') travel lanes of a future four lane median divided roadway. The improvements shall be constructed by the developer concurrently with the development of adjacent phases of the planned development. Alternately, at the City’s sole determination, funds may be escrowed by the developer for the later construction of the improvements by others.

j. Setback requirements for any permitted recreation or amenity structures on a lot or open space shall be as follows:

i. Front: 15 ft.

ii. Side: 15 ft.

iii. Rear: 15 ft.

o.[k.] At least two (2) trees with a minimum of three (3) caliper inches selected from the Large/Shade Tree List, as defined by the City of Oak Point Zoning Ordinance Appendix C - Approved Landscape Materials, shall be provided on each single-family lot. At least one required tree shall be installed within the front yard. An existing healthy tree(s) of any variety, with a minimum of three (3) caliper inches, shall satisfy the requirement for one required tree(s). All required trees shall be planted within thirty (30) days of home occupancy for each lot.

6. A minimum of 15 acres of open space with existing tree stands shall be preserved (healthy trees only) and generally located as shown on Exhibit “F” [to Ordinance 2014-06-383]. Trees within the preservation areas may be removed and cleared for roadways, utilities, and open space improvements as required. Pruning, understory clearing, and maintenance is allowed to occur within the preservation areas. The preservation of trees in these areas, along with the planting requirements in Paragraph 6 shall satisfy all of the tree preservation and mitigation requirements for this PD. Future revisions to the

Concept Plan that modifies the location or limits of the tree preservation areas shall maintain the same quality and character of tree stands within the areas shown on Exhibit "F" [to Ordinance 2014-06-383]. Assessing the quality and character of proposed alternate locations may, at the City's discretion, require a tree inventory of the current and proposed locations at the time of application for a revision to the Concept Plan in order to compare the total caliper inches of trees equal to or greater than 6 inches in diameter in each area.

(Ordinance 2014-06-383 adopted 6/16/14)

P.D. NO. 16

REQUIREMENTS AND STANDARDS FOR DEVELOPMENT

Wildridge Planned Development

All zoning regulations, standards, uses, requirements, and processes for the R4X District of the City of Oak Point Zoning Ordinance (Ord. No. 2002-04), as it exists or may be amended, shall apply to the Planned Development except as follows:

1. Permitted Uses:

The following use(s) shall not be permitted:

- * Industrialized/Modular Housing

Additional permitted uses shall include the following:

- * All allowed uses and allowed uses by Specific Use Permit of the A District of the City of Oak Point Zoning Ordinance for Agriculture Uses for any unplatted portion of the Planned Development District.
- * Park; playground; open space; trail(s); playfields; athletic fields; public or private recreation center/amenity center and related uses (i.e. play equipment, swimming pool, tennis court(s), basketball court, multi-sport court(s), restroom/change room, picnic shelters, etc.); provided that courts or athletic fields will not be lighted.

2. The maximum number of single-family residential units permitted shall be four hundred twenty (429) [sic].

3. The following single-family residential lot development standards shall apply:

- a. The minimum lot area shall be 6,000 sq. ft.
- b. The minimum lot width shall be 50 ft. measured along the platted front yard building line.
- c. The minimum lot depth shall be 100 ft., measured at the midpoints of the front and rear lot lines.
- d. The minimum front yard shall be 20 ft.
- e. The minimum side yard shall be 5 ft.
- f. The minimum side yard adjacent to a street shall be 15 ft., unless the lot is a key lot, then the minimum side yard shall be 20 ft.
- g. The minimum rear yard shall be 20 ft.

- h. The maximum lot coverage shall be 50%, including main structures and accessory structures.
- i. The minimum dwelling area (air-conditioned) shall be 1,800 sq. ft.
- j. The maximum structure height shall be two and one-half (2-1/2) stories measured at the highest point of the structure, not to exceed forty feet (40').
- k. The following lot development standards shall apply to at least 30% of the single-family residential lots:
 - i. The minimum lot area shall be 7,200 sq. ft.
 - ii. The minimum lot width shall be 60 ft. measured along the platted front yard building line.
 - iii. The minimum lot depth shall be 110 ft., measured at the midpoints of the front and rear lot lines.
 - iv. The minimum front yard shall be 20 ft.
 - v. The minimum side yard shall be 5 ft.
 - vi. The minimum side yard adjacent to a street shall be 15 ft., unless the lot is a key lot, then the minimum side yard shall be 20 ft.
 - vii. The minimum rear yard shall be 20 ft.
 - viii. The maximum lot coverage shall be 50%, including main structures and accessory structures.
 - ix. The minimum dwelling area (air-conditioned) shall be 1,800 sq. ft.
 - x. The maximum structure height shall be two and one-half (2-1/2) stories measured at the highest point of the structure, not to exceed forty feet (40').

4. Construction and Architectural Standards.

- a. The main structure for residential uses shall be constructed of a minimum of 80% total masonry for all facades, exclusive of doors, windows, porches, chimneys, and walls provided in conjunction with an architectural element above the roofline (example: walls for dormers). No single facade shall have less than 75% masonry. "Facade" shall mean: Any separate face of a structure, including parapet walls and omitted wall line, or any part of a structure which encloses or covers usable space. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered part of a single facade. Masonry shall consist of brick, stone, or similar masonry unit type materials, or a minimum of one (1") inch thick stucco construction.
- b. Roof slopes for the main structure of residential uses shall be a minimum of 8:12 and roof construction shall include opposing roof elements on the front facade and at least one other facade, unless otherwise approved by the Planning & Zoning Commission and/or City Council.
- c. All ground level mechanical, heating, ventilation, and air-conditioning equipment shall be screened from view from a street with fence or landscaping that is at least six feet tall.
- d. All garage doors shall be wood trimmed and stained, with reveals and textures[.]

- e. Front doors shall be at least 8' tall.
- f. All single-family residential units shall be required to provide at least three of the following architectural elements:
 - i. 100 percent of each wall is finished with a masonry material exclusive of doors, windows, porches, chimneys, and walls provided in conjunction with an architectural element above the roofline (example: walls for dormers);
 - ii. The front facade contains two types of complementary masonry finishing materials, with each of the materials being used on at least 25 percent of the front facade;
 - iii. A minimum of 10 percent of the unit's front facade features patterned brickwork, excluding soldier or sailor brickwork provided in association with a door or window;
 - iv. The unit only features garage doors that have a carriage style design;
 - v. A minimum of three offsets in the front facade measuring at least one foot deep are provided or a minimum of one offset in the front facade measuring at least three feet is provided;
 - vi. The unit features an articulated front entrance through the use of lintels, pediments, keystones, pilasters, arches, columns, or other similar architectural elements;
 - vii. A covered front porch which is at least 100 square feet in area is provided;
 - viii. At least one dormer is provided for each roof plane over 500 square feet in area that faces a street. The dormer must be appropriately scaled for the roof plane and shall not be wider than the windows on the building elevation below; or
 - ix. Roof pitch at 10:12 side to side is incorporated into the front of the house;
 - x. At least 50% of the windows facing a street feature shutters which must be in scale with the corresponding window; or
 - xi. Other innovative designs as may be requested by an applicant and approved by staff, or in staff's discretion or denial forwarded to the Planning and Zoning Commission for consideration, and if denied by the Planning and Zoning Commission, then appealed to the City Council. Such designs shall not have an adverse impact on current or future development, shall be in keeping with the spirit of the purpose of this section, shall not reduce the quality of the development, and shall not have an adverse impact on the public health, safety, and general welfare. Such applications and approvals shall not constitute an amendment of the Planned Development.

5. General Conditions and Restrictions.

- a. A minimum of 20 acres of open space shall be provided and located in general conformance to Exhibit "D" [to Ordinance 2015-03-398], the intent being to provide at least one open space area centrally located within the PD as shown on Exhibit "D" [to Ordinance 2015-03-398]. Open space may consist of thoroughfare landscape buffers, medians, trail(s), private parks and recreation centers and

related uses, creeks, ponds, floodplain, common areas, landscape areas, areas utilized as detention, etc. At a minimum, the centrally located open space shall be at least 3 acres, include four (4) picnic tables, six (6) benches, a covered pavilion, and an automatic irrigation system in improved areas. City park fees will be required in lieu of park dedication requirements.

b. A curvilinear street pattern is not required.

c. There shall be no maximum block length requirements along the perimeter of the PD.

d. Sidewalks with a minimum width of five (5) feet are required on both sides of all streets. All sidewalks adjacent to open space shall be constructed by the developer with the streets prior to final acceptance of the subdivision improvements.

e. The land plan depicted on Exhibit D [to Ordinance 2015-03-398] is conceptual and subject to change. Revisions to the plan shall not constitute an amendment of the PD, or require the submittal and approval of a revised plan prior to submittal of a preliminary plat, provided that all restrictions of the PD are adhered to, and provided the revised plan is in accordance with the subdivision rules and regulations unless superseded by the PD or waived by the City Staff, Planning & Zoning Commission, and/or City Council, as applicable.

f. Alleys shall be permitted, but not required. If provided, alleys shall have a minimum right-of-way of 18 ft., and minimum pavement width of 12 ft. Alleys are not permitted adjacent to open space.

g. Phasing of the development may occur, provided the subdivision rules and regulations are adhered to unless superseded by the PD or waived by the City Staff, Planning & Zoning Commission, and/or City Council, as applicable.

h. The minimum width of landscaped open space adjacent to Shahan Prairie Road and future Martop Road shall be 20 ft. At a minimum, landscaping shall include irrigation and 3-inch caliper trees selected from the "Large/Shade Tree List," as defined by the City of Oak Point Zoning Ordinance [Appendix C - Approved Landscape Materials](#), and crepe myrtles. At a minimum, one Large/Shade Tree and two crepe myrtles shall be required for every thirty (30) linear feet of landscaped open space adjacent to Shahan Prairie Road and Martop Road. An existing, healthy tree greater than 3-inch caliper that is preserved, regardless of species or type, shall satisfy the planting requirements for one required tree. The requirements of this section shall satisfy all roadway screening and buffering requirements for Shahan Prairie Road and future Martop Road.

i. One-half (1/2) of the ultimate right-of-way for Shahan Prairie Road and Martop Road, one-half being 55 ft. from the centerline of the existing pavement or 110' from the existing and ultimate ROW line on the opposite side if already established, shall be dedicated adjacent to the planned development boundary at the earlier of adjacent final platting or construction of the roadway. Improvements to Shahan Prairie Road and Martop Road shall consist of one-half the ultimate roadway section adjacent to the planned development boundary being two (2) adjacent twelve foot (12') travel lanes of a future four lane median divided roadway. The improvements shall be constructed by the developer

concurrently with the development of adjacent phases of the planned development. Alternately, at the City's sole determination, funds may be escrowed by the developer for the later construction of the improvements by others.

j. Setback requirements for any permitted recreation or amenity structures on a lot or open space shall be as follows:

i. Front: 15 ft.

ii. Side: 15 ft.

iii. Rear: 15 ft.

o.[k.] At least two (2) trees with a minimum of three (3) caliper inches selected from the Large/Shade Tree List, as defined by the City of Oak Point Zoning Ordinance [Appendix C - Approved Landscape Materials](#), shall be provided on each single-family lot. At least one required tree shall be installed within the front yard. An existing healthy tree(s) of any variety, with a minimum of three (3) caliper inches, shall satisfy the requirement for one required tree(s). All required trees shall be planted within thirty (30) days of home occupancy for each lot.

6. A minimum of 15 acres of open space with existing tree stands shall be preserved (healthy trees only) and generally located as shown on Exhibit "F" [to Ordinance 2015-03-398]. Trees within the preservation areas may be removed and cleared for roadways, utilities, and open space improvements as required. Pruning, understory clearing, and maintenance is allowed to occur within the preservation areas. The preservation of trees in these areas, along with the planting requirements in Paragraph 6 shall satisfy all of the tree preservation and mitigation requirements for this PD. Future revisions to the Concept Plan that modifies the location or limits of the tree preservation areas shall maintain the same quality and character of tree stands within the areas shown on Exhibit "F" [to Ordinance 2015-03-398]. Assessing the quality and character of proposed alternate locations may, at the City's discretion, require a tree inventory of the current and proposed locations at the time of application for a revision to the Concept Plan in order to compare the total caliper inches of trees equal to or greater than 6 inches in diameter in each area.

(Ordinance 2015-03-398 adopted 3/16/15)

APPENDIX F. SEXUALLY ORIENTED BUSINESSES

SEC. 1. GENERAL REQUIREMENTS:

The location of sexually oriented businesses shall be subject to the following standards and requirements:

(A) A person commits an offense if he operates or causes to be operated a sexually oriented business within one thousand (1,000) feet of:

(1) a church;

- (2) a public or private elementary or secondary school;
 - (3) residentially zoned property;
 - (4) a public park;
 - (5) a lot devoted to residential use; or
 - (6) a hospital
- (B) A person commits an offense if he operates or causes to be operated a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.
- (C) A person commits an offense if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
- (D) For the purposes of subparagraph (a) [(A)] above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district or residential lot.
- (E) For purposes of subparagraph (b) [(B)] above, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the business is located.
- (F) A sexually oriented business lawfully operating as a conforming use after the effective date of this Ordinance is not rendered a nonconforming use by the location subsequent to the operation of the sexually oriented business, of a church, public or private elementary school, public park, residential district, or residential lot within one thousand (1,000) feet of the sexually oriented business.

SEC. 2. DEFINITIONS:

The following definitions shall be applied when reviewing matters that fall under this Ordinance:

- (A) ESTABLISHMENT means and includes any of the following:
- (1) the opening or commencement of any sexually oriented business as a new business;
 - (2) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (3) the addition of any sexually oriented business to any other existing sexually oriented business; or
 - (4) the relocation of any sexually oriented business.
- (B) LICENSEE means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license.

(C) OPERATES OR CAUSES TO BE OPERATED means to cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

(D) SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(E) TRANSFER OF OWNERSHIP OR CONTROL of a sexually oriented business means and includes any of the following:

- (1) the sale, lease, or sublease of the business;
- (2) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (3) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(F) Sexually oriented businesses are classified as follows:

- (1) adult arcades;
- (2) adult bookstores or adult video stores;
- (3) adult cabarets;
- (4) adult motels;
- (5) adult motion picture theaters;
- (6) adult theaters; and
- (7) nude model studios.

SEC. 3. LICENSE REQUIRED:

(A) A person commits an offense if he operates a sexually oriented business without a valid license, issued by the city for the particular type of business.

(B) An application for a license must be made on a form provided by the City Council. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior or [of] the premises to an accuracy of plus or minus six inches. Applicants who must comply with Section 13 of this Ordinance shall submit a diagram meeting the requirements of Section 13.

(C) If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 20 percent or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under Section 4 and each applicant shall be considered a licensee if a license is granted.

SEC. 4. ISSUANCE OF LICENSE:

(A) The City Council shall approve the issuance of a license by the city to an applicant within 30 days after receipt of an application unless the City Council finds one or more of the following to be true:

- (1) An applicant is under 18 years of age.
- (2) An applicant or an applicant's spouse is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to a sexually oriented business.
- (3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
- (4) An applicant or an applicant's spouse has been convicted of a violation of a provision of this Ordinance, [other than the offense of operating a sexually oriented business without a license], within two years immediately preceding the application.
- (5) Any fee required by this Ordinance has not been paid.
- (6) An applicant has been employed in a sexually oriented business in a managerial capacity within the preceding 12 months and has demonstrated an inability to operate or manage a sexually oriented business premises in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.
- (7) An applicant or the proposed establishment is in violation of or is not in compliance with Sections 1, 6, 10, 11, 12, or 13.
- (8) An applicant or an applicant's spouse has been convicted of a crime:
 - (a) involving:
 - (i) any of the following offenses as described in Chapter 43 of the Texas Penal Code:
 - (aa) Prostitution;
 - (bb) promotion of prostitution;
 - (cc) aggravated promotion of prostitution;
 - (dd) compelling prostitution;
 - (ee) obscenity;
 - (ff) sale, distribution, or display of harmful material to minor;

- (gg) sexual performance by a child;
- (hh) possession of child pornography;
- (ii) any of the following offenses as described in Chapter 21 of the Texas Penal Code:
 - (aa) public lewdness;
 - (bb) indecent exposure;
 - (cc) indecency with a child;
- (iii) sexual assault or aggravated sexual assault as described in Chapter 22 of the Texas Penal Code;
- (iv) incest, solicitation of a child, or harboring a runaway child as described in Chapter 25 of the Texas Penal Code; or
- (v) criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses;
- (b) for which:
 - (i) less than (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - (ii) less than (5) years have elapsed since the date of conviction or the date of release from confinement from the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - (iii) less than (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.
- (B) The fact that a conviction is being appealed has no effect on the disqualification of the applicant or applicant's spouse under subsection (A).
- (C) An applicant who has been convicted or whose spouse has been convicted of an offense listed in subsection (A)(8)(a) may qualify for a sexually oriented business license only when the time period required by subsection (A)(8)(b) has elapsed.
- (D) The City Council, upon approving issuance of a sexually oriented business license, shall send the applicant, by certified mail, return receipt requested, written notice of that action and state where the applicant must pay the license fee and obtain the license. The City Council's approval of the issuance of a license does not authorize the applicant to operate a sexually oriented business until the applicant has paid all fees required by this Ordinance and obtained possession of the license.
- (E) The license, if granted, must state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license must be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

SEC. 5. INSPECTION

(A) An applicant or licensee shall permit representatives of the police department, the fire department, the department of streets, the code enforcement offices, and the building officials to inspect the premises of a sexually oriented business, for the purpose of ensuring compliance with the law at any time it is occupied or open for business.

(B) A person who operates a sexually oriented business or his agent or employee commits an offense if he refuses to permit a lawful inspection of the premises by a representative of the police department, the fire department, the department of streets, the code enforcement offices, or the building officials at any time it is occupied or open for business.

(C) The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

SEC. 6. EXPIRATION OF LICENSE:

Each license expires one year from the date of issuance. A license may be renewed only by making application as provided in Section 3. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected by the pendency of the application.

SEC. 7. SUSPENSION:

The Chief of Police shall suspend a license for a period not to exceed thirty (30) days if he determines that a licensee or an employee of a licensee has:

- (1) violated or is not in compliance with Sections 1, 3, 11, 12, or 13 of this Ordinance;
- (2) engaged in excessive use of alcoholic beverages while on a sexually oriented business premises;
- (3) refused to allow an inspection of the sexually oriented business premises as authorized by this Ordinance;
- (4) knowingly permitted gambling by any person on the sexually oriented business premises;
- (5) demonstrated inability to operate or manage a sexually oriented business in a peaceful and law-abiding manner thus necessitating action by law enforcement officers.

SEC. 8. REVOCATION

(A) The City Council shall revoke a license if a cause of suspension in Section 7 occurs and the license has been suspended within the preceding twelve (12) months.

(B) The City Council shall revoke a license if the City Council determines that:

- (1) a licensee gave false or misleading information in the material submitted to the chief of police during the application process;
- (2) a licensee or an employee has knowingly allowed possession, use, or sale of controlled

substances on the premises;

(3) a licensee or an employee has knowingly allowed prostitution on the premises;

(4) a licensee or an employee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

(5) a licensee has been convicted of an offense listed in Section 4(A)(8)(a) for which the time period required in Section 4(A)(8)(b) has not elapsed;

(6) on two or more occasions within a twelve (12) month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in Section 4(A)(8) for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offense was committed;

(7) a licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual conduct to occur in or on the licensed premises. The term "sexual contact" shall have the same meaning as it is defined in Section 21.02, Texas Penal Code; or

(8) a licensee is delinquent in payment to the city for hotel occupancy taxes, ad valorem taxes, or sales taxes related to the sexually oriented business.

(C) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(D) Subsection (B)(7) does not apply to adult motels as a ground for revoking the license unless a licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.

(E) When the Chief of Police revokes a license, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license for one year from the date revocation became effective. If, subsequent to revocation, the Chief of Police finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective. If the license was revoked under Section 4(A)(8)(a), an applicant may not be granted another license until the appropriate number of years required under Section 4(A)(8)(b) has elapsed.

SEC. 9. APPEAL:

If the City Council denies the issuance or renewal of a license or revokes a license, or if the Chief of Police suspends a license, the Chief of Police shall send to the applicant or licensee, by certified mail, return receipt requested, written notice of the action and the right to an appeal. Upon receipt of written notice of the denial, suspension, or revocation, the applicant or licensee whose application for a license or license renewal has been denied or whose license has been suspended or revoked has the right to appeal to the State District Court. An appeal to the State District Court must be filed within thirty (30) days after the receipt of notice of the decision of the Chief of Police or the City Council. The applicant or licensees shall bear the burden of proof in court.

SEC. 10. TRANSFER OF LICENSE:

A licensee shall not transfer his license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

SEC. 11. ADDITIONAL REGULATIONS FOR NUDE MODEL STUDIOS:

- (A) A nude model studio shall not employ any person under the age of eighteen (18) years.
- (B) A person under the age of eighteen (18) years commits an offense if he appears in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under eighteen (18) years was in a restroom not open to public view or persons of the opposite sex.
- (C) A person commits an offense if he appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.
- (D) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

SEC. 12. ADDITIONAL REGULATIONS FOR ADULT THEATERS AND ADULT MOTION PICTURE THEATERS:

- (A) A person commits an offense if he knowingly allows a person under the age of eighteen (18) years to appear in a state of nudity in or on the premises of an adult theater or adult motion picture theater.
- (B) A person under the age of eighteen (18) years commits an offense if he knowingly appears in a state of nudity in or on the premises of an adult theater or adult motion picture theater.
- (C) It is a defense to the prosecution under subsections (A) and (B) of this section if the person under eighteen (18) years was in a restroom. not open to public view or persons of the opposite sex.

SEC. 13. REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS:

- (A) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred and fifty (150) square feet of floor space, a film, videocassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - (1) Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed twelve (12) square feet of floor

area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interest of the premises to an accuracy of plus or minus six inches. The City Council may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

- (2) The application shall be sworn to be true and correct by the applicant,
 - (3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Chief of Police or his designee.
 - (4) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any person is present inside the premises.
 - (5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be direct line of sight from the manager's station.
 - (6) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in Subsection (5) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times that any patron is present in the premises and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection (1) of this section.
 - (7) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) footcandle as measured at the floor level.
 - (8) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure illumination described above, is maintained at all times that any patron is present in the premises.
- (B) A person having a duty under subsections (1) through (8) of subsection (A) commits an offense if he knowingly fails to fulfill that duty.

SEC. 14. VIOLATIONS, LEGAL ACTIONS, AND PENALTIES:

(A) VIOLATION: It shall be a violation for any person to violate any of the provisions of this Ordinance, such violation may be punishable by a civil or criminal penalty or both, as provided herein.

(B) INJUNCTION: A person who operates or causes to be operated a sexually oriented business without a valid license or in any other manner violates this Ordinance is subject to a suit for injunction. The City Attorney is the designated official who may institute such proceedings.

(Ordinance 99-06 adopted 12/8/98)

(C) PENALTY: Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and a violation of the Health and Safety code, pursuant [to] Local Government Code Section 54.001(b), and upon conviction thereof shall be subject to a fine not to exceed Two Thousand Dollars (\$2,000.00). Each and every day during which the violation continues shall constitute a separate offense.

(Ordinance 2001-01 adopted 3/20/01)

APPENDIX G. HOME OCCUPATIONS

In all cases, home occupations shall meet the following conditions and requirements:

- (1) Only one employee other than the residents of the home may be employed in the home.
- (2) No interior or exterior signage shall be used to advertise the occupation.
- (3) A home occupation shall be conducted wholly within the principal dwelling or in any accessory building. The total floor area to be used for a home occupation shall not exceed 20% of the total floor area of the principal dwelling. However, instructional classes may be held outside providing other stipulations of this ordinance are met.
- (4) No outdoor storage of materials, goods, supplies, or equipment shall be allowed except as permitted by [Appendix H](#) of Chapter 14 of the Code of Ordinances of the City of Oak Point, entitled "Open Storage."
- (5) No building alterations shall be allowed that will alter the residential character of the home.
- (6) Any home occupation that involves the repair or servicing of vehicles, internal combustion engines, large equipment or large appliances; the repair or servicing of firearms unless the owner of the property applied for or was issued a Type 7 Federal Firearms License by the Bureau of Alcohol, Tobacco, Firearms, and Explosives prior to March 1, 2013; or the sale of any gun, pistol, rifle, firearm, and/or ammunition unless the owner of the property was issued a Type 1 or Type 3 Federal Firearms License by the Bureau of Alcohol, Tobacco, Firearms, and Explosives prior to January 21, 2013 shall be expressly prohibited.
- (7) A home occupation shall produce no offensive noise, vibration, smoke, electrical interference, dirt,

odors or heat in excess of those normally found in residential areas.

(8) No toxic, explosive, flammable, combustible, corrosive, radioactive, or other hazardous materials shall be used or stored on the site for business purposes.

(9) No traffic shall be generated by a home occupation in greater volumes than normally expected in a residential neighborhood, and any need for parking must be accommodated within the required off-street parking for the residence or along the street frontage for the lot.

(10) No home occupation may involve outdoor activities between the hours of 10:00 p.m. and 8:00 a.m.

(Ordinance 2014-08-385 adopted 8/18/14)

APPENDIX H. OPEN STORAGE

Definition of Open Storage and Outside Display

The keeping, displaying or storing of any new or used goods, materials, merchandise or equipment on a lot or tract of land and not within a structure or behind an appropriate screen for longer than 72 hours.

Open storage and outside display shall be permitted in accordance with the following regulations:

(a) Residential Districts.

(1) Residential Districts may have open storage and outside display, but such open storage and outside display shall be screened from the public view and shall comply with the screening requirements set out in Subsection (a)(2) below. However, open storage and outside display associated with a home occupation must comply with the provisions of Subsection (b) below.

(2) Screening Requirements for Open Storage and Outside Display in Residential Districts

(A) All open storage and outside display shall be screened from the public view unless exempted by Section (c) below.

(B) Screening shall be a minimum of six feet (6') in height and:

(i) Be of wood or masonry construction; or

(ii) Be constructed of chain link or ornamental fencing in combination with a landscape screen; or

(iii) Be constructed of a solid, evergreen shrub landscape screen without a fence or wall.

(iv) Evergreen shrubs used for a landscape screen shall be placed so as to create at least a six-foot (6') tall solid screen within two years of their installation along the length of the stored material. All landscaping shall be irrigated and maintained in a healthy and growing condition.

(v) Screening may not be constructed of chain link with slats. No screening fence may exceed eight feet (8') in height.

(C) Open storage may not exceed the height of screening, except in the case where evergreen

shrubs which will be used for a landscape screen have been placed so as to create the required minimum six foot (6') tall solid screen within two years of their installation along the length of the stored material but the shrubs are not six feet (6') in height when originally placed.

(D) The screening requirements of this Subsection shall also apply to the use of semi-trailers, storage vaults, shipping containers, or other vehicles for storage purposes.

(E) The Planning & Zoning Commission may waive these requirements if no public purpose would be served by the construction of a required screen, or natural features (i.e., vegetation or topography) exist that sufficiently screen the open storage.

(b) Retail, Commercial or Industrial Districts and Home Occupations.

(1) Open storage and outside display are permitted as accessory uses to a primary use on the same lot in a retail, commercial or industrial district.

(2) Open storage and outside display of goods, materials, merchandise or equipment where allowed in retail, commercial or industrial districts or for home occupations shall:

(A) Be screened from public view as required in Subsection (b)(3) below, unless exempted pursuant to Subsection (c) below;

(B) Not be located within any required front, side, or rear yard setback;

(C) Not be located within parking spaces, fire lanes, maneuvering aisles, or customer pickup lanes;

(D) Not obstruct visibility or interfere with pedestrian or vehicular circulation. If the items are placed on a sidewalk or other pedestrian area, a six foot (6') wide pedestrian path shall be maintained through or adjacent to the outside display area. The pedestrian path must be concrete or asphalt and may not be located within off-street parking areas, including parking spaces, fire lanes, maneuvering aisles and customer pickup lanes;

(E) Be placed on an asphalt, concrete, gravel, crushed rock, paving stones or brick surface.

(F) Be immediately adjacent to the building;

(G) Not be located on the roof of any structure;

(H) Not exceed 5% coverage of the lot area or 20% of the main building gross floor area, whichever is more restrictive; and

(I) Be designated on an approved site plan.

(3) Screening Requirements for Open Storage and Outside Display in Retail, Commercial or Industrial Districts or for Home Occupations.

(A) All open storage and outside display shall be screened from the public view unless exempted by Section (c) below.

(B) Screening shall be a minimum of six feet (6') in height and:

- (i) Be of wood or masonry construction; or
 - (ii) Be constructed of chain link or ornamental fencing in combination with a landscape screen; or
 - (iii) Be constructed of a solid, evergreen shrub landscape screen without a fence or wall.
 - (iv) Evergreen shrubs used for a landscape screen shall be placed so as to create at least a six-foot (6') tall solid screen within two years of their installation along the length of the stored material. All landscaping shall be irrigated with an automatic sprinkler system and maintained in a healthy and growing condition.
 - (v) Screening may not be constructed of chain link with slats. No screening fence may exceed eight feet (8') in height.
- (C) All open storage must be attached to the main building and shall be screened by a minimum six foot (6') solid wall of the same type and manner of construction as the main building or by a minimum six foot (6') tall solid wall interspersed by ornamental metal panels.
- (D) Open storage may not exceed the height of screening, except in the case where evergreen shrubs which will be used for a landscape screen have been placed so as to create the required minimum six foot (6') tall solid screen within two years of their installation along the length of the stored material but the shrubs are not six feet (6') in height when originally placed.
- (E) The requirements listed in Subsections (b)(2) and (b)(3) above shall also apply to the use of semi-trailers, storage vaults, shipping containers, or other vehicles for storage purposes.
- (F) The Planning & Zoning Commission may waive these requirements if no public purpose would be served by the construction of a required screen, or natural features (i.e., vegetation or topography) exist that sufficiently screen the open storage.
- (c) Exceptions to Screening Requirements.
- (1) No screening is required for open storage and outside display of goods, materials, merchandise, or equipment as an accessory use if placed in an area not more than five feet (5') from the front building face, as designated by the main entrance and not stacked to exceed four feet (4') in height.
 - (2) Screening is not required for items placed on a gasoline pump island that do not exceed three feet (3') in height.
 - (3) Parked self-propelled vehicles or trailers shall not constitute open storage or outside display, except when staged, parked, or stored at collision, towing, auto storage, mini-warehouse, auto repair, or wrecker service.
 - (4) Screening is not required for equipment or materials used for construction for which a building permit has been issued by the City. Upon completion of the construction for which the building permit was issued, all remaining equipment or materials, if any, shall be screened in accordance with the provisions hereof.

(5) For a period of time not to exceed 180 days, screening shall not be required for materials or equipment stored for the specific purpose of completion of a home improvement project by the owner or occupant of a residential dwelling unit.

(d) Junkyards, wrecking yards, or any similar open storage of used machinery or used equipment or material for reuse of parts, dismantling, wrecking or repossessing may be located in the Light Industrial district only after review by the City Council for the purpose of establishing the probable effect of such use on adjacent property. After review, the City Council may, based upon the findings, approve or disapprove such use by resolution.

(Ordinance 2004-04-04, sec. 2, adopted 4/19/04)

APPENDIX I. COMMUNICATIONS ANTENNAS AND ANTENNA SUPPORT STRUCTURES

A. Purpose: The purpose of the City of Oak Point Communications Antennas and Antenna Support Structures Regulations is to further an overall plan for the enhancement of public safety, consistent community development, preservation of property values and the general welfare of the City of Oak Point while providing for the communication needs of the residents and businesses in the City. The purpose of this section is to govern the placement of these facilities to:

1. Ensure that their location and use do not unduly compromise the aesthetic quality of the community;
2. Facilitate the provision of wireless telecommunication services to the residents and businesses of the City;
3. Encourage operators of antenna facilities and antennas to locate them in areas where the adverse impact on the community is minimal;
4. Encourage co-location on both new and existing antenna facilities;
5. Encourage operators of antenna facilities and antennas to configure them in a way that minimizes the adverse visual impact through careful design, landscape screening, and innovative stealth techniques; and
6. Enhance the ability of wireless telecommunication providers to provide services to the community effectively and efficiently.

B. Definitions: In this section the following definitions apply:

Alternative Tower Structure: Clock towers, steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. See also the definition of "Stealth Tower."

Amateur Radio Antenna: A radio communication antenna used by a person holding an amateur station license from the Federal Communications Commission.

Antenna: A device used in communications, which transmits or receives radio signals, television signals, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Antenna, Building Attached: An antenna attached to an existing structure in two general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in which antennas are placed on the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.

Antenna Facility: The mast, pole, structure, tower, building, equipment and other supporting material used to mount the antenna and equipment, including equipment storage buildings, and concealing or screening structures needed to operate an antenna. The antenna is considered part of the antenna facility. This definition does not include satellite antennas less than one (1) meter in diameter.

Co-location: The act of locating wireless communications equipment for more than one (1) telecommunications carrier on a single antenna facility.

Equipment Storage Building: An unmanned, single-story equipment building or structure used to house telecommunications equipment necessary to operate the telecommunications network.

Monopole Tower: A self-supporting tower facility composed of a single spire used to support telecommunication antennas. Monopole towers cannot have guy wires or bracing.

Pre-existing Towers and Pre-existing Antennas: Any tower or antenna for which a building permit or Special Use Permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Satellite Antenna Less Than One (1) Meter in Diameter: An antenna, one (1) meter or less in diameter that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor and/or enables the transmission of signals directly to and from satellites for high-speed Internet access. Such antennas are commonly known as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna, or satellite earth station antenna.

Satellite Antenna Greater Than One (1) Meter in Diameter: An antenna, greater than one (1) meter in diameter, which enables the transmission of signals directly to and from satellites. Such antennas are commonly known as a satellite dish, dish antenna, parabolic antenna, or satellite earth station antenna.

Setback: The minimum amount of space required between a lot line and a building line.

Stealth Tower: Shall mean a tower that is camouflaged to be unrecognizable as a telecommunications facility and shall include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structures, antennas integrated into architectural elements such as church spires or window walls, and antenna structures designed to resemble light poles, flagpoles or trees.

Telecommunications Tower: Any structure that is designed and constructed for the purpose of supporting

one (1) or more antennae used for the provision of commercial wireless telecommunications services. This definition includes monopole towers, alternative mounting structures or any other vertical support used for wireless telecommunications antennae. This definition does not include commercial radio or television towers; nor does it include such things as Satellite Antennas Less Than One (1) Meter in Diameter or Amateur Radio Antennas.

Telecommunications Tower Facility: A facility that contains a telecommunications tower and equipment storage building or structure.

Telescopic or Crank-Up Tower: An antenna support structure designed to be lowered and raised either manually or mechanically.

TV Antenna: An antenna that enables the receipt of television signals transmitted from broadcast stations.

C. Permit/Special Exception/Special Use Permit Requirements:

Table

Type of Facility	Building Permit Required	Special Exception Required	Special Use Permit Required
Satellite Receive Only < 1 meter*	No	No	No
Satellite Antenna > 1 meter in Commercial Area*	Yes	No	No
Satellite Antenna > 1 meter in Residential Area*	Yes	Yes	No
Amateur Radio Antenna Support Structure Between 20'-50' in Height	Yes	No	No
Amateur Radio Antenna Exceeding Height Limits*	Yes	No	Yes
Amateur Radio Antenna Less Than 20' in Height	No	No	No
Television Antennas*	No	No	No
Level 1 Stealth Tower in FC, UR, WC or DR District	Yes	No	No
Level 2 Stealth Tower in FC, UR or WC District	Yes	No	No
Level 2 Stealth Tower in DR District	Yes	Yes	No
Level 3 Stealth Tower in FC or UR District	Yes	No	No

Level 3 Stealth Tower in WC or DR District	Yes	Yes	No
Stealth Towers Over 120 Feet Tall	Prohibited	Prohibited	No

* denotes All Districts. Refer to Section H.

D. General Regulations: The following regulations apply to all antenna facilities and antennas located within any district. Except as specifically provided, all new telecommunications towers or antennas in the City of Oak Point shall be subject to the regulations contained in this Ordinance. Pre-existing towers or antennas lawfully in existence at the time of the enactment of this Ordinance shall not be required to meet the requirements of this Ordinance, other than those contained in subsections 14, 15 and 16 below.

1. Equipment Storage Building: An equipment storage building (including cabinets) associated with an antenna facility or an antenna shall not be taller than 10 feet in height and shall be screened with a mortar-jointed brick masonry wall or approved landscape screening that will completely screen the equipment storage building or cabinet, or be incorporated into the stealth treatment so that it is consistent and complementary with the existing structures and uses on the premises. Landscape screening shall be placed so as to create at least a 10-foot tall solid screen within two years of its installation surrounding the equipment storage building or cabinet. Landscape screening must be irrigated and maintained in a living, growing condition. Alternative materials may be permitted upon approval by the City Council and recommended by the Planning and Zoning Commission. The base of all tower facilities must be screened with a masonry wall or approved landscape screening that will completely screen the equipment storage building.

2. Driveway Surfaces: All telecommunication tower facilities must have an access drive that is constructed of asphalt or concrete. One (1) off-street parking space must be provided at each telecommunication tower facility.

3. Lights: All monopole, antenna, tower, or support facility lighting not required by the FAA or FCC is prohibited. When obstruction lighting is required by the FAA or FCC, such lighting shall not exceed the minimum requirements of said agencies. An antenna tower structure may be artificially lighted ONLY with steady-burning red obstruction lights (FAA type L-810) or flashing red obstruction lights (FAA type L-864) flashing no faster than 20 flashes per minute. Flashing red obstruction lights (FAA type L-864) flashing faster than 20 flashes per minute, medium intensity flashing white obstruction lights (FAA type L-865 or L-866), high intensity flashing white lights (FAA type L-856 or L-857) or dual flashing red obstruction lights and medium intensity flashing white obstruction lights (FAA types L-864/L-865) may be used ONLY when the FAA specifies that the specific lighting pattern is the ONLY lighting pattern acceptable to promote aviation safety and refuses applicant's request for authorization to use the lighting required by the City herein. Upward lighting, floodlights or other lighting not strictly required by the FAA or FCC is prohibited.

4. Signs: No advertising or other signs shall be allowed on an antenna facility.
5. Antenna Facility Capacity: All new antenna facilities must be structurally designed to allow for at least 2 sets of antennas.
6. Tower Types: Only alternative tower structures or stealth towers are permitted in the City.
7. Maximum Height: The maximum height of all stealth towers shall be no more than 120 feet in height measured at grade.
8. Prohibited in Easements: Antenna facilities shall not be placed in easements unless authorized by the easement holder.
9. Construction Standards: A building permit, as identified in the Table in Section C, must be obtained prior to the construction or installation of any antenna facility. An antenna facility must be installed according to the manufacturer's recommendations and under the seal of a professional engineer registered in the State of Texas. Additionally, all antenna facilities shall comply with applicable state and local building codes.
10. Building Codes/Safety Standards: To ensure the structural integrity of antenna facilities, the owner of an antenna facility must ensure that it is maintained in compliance with all provisions of the City of Oak Point's building code and zoning regulations. If, upon inspection, the City concludes that an antenna facility fails to comply with such codes and regulations and/or constitutes a danger to persons or property, then upon written notice to the owner of the antenna facility, the owner shall have 30 calendar days to bring such tower into compliance with applicable standards. Failure to bring such tower into compliance shall constitute grounds for the removal of the antenna facility at the owner's expense. This notice requirement shall not preclude immediate action by the Building Official as allowed by law if public safety requires such action.
11. Insurance Required: Owners of any antenna facility must provide a minimum amount of \$300,000 liability insurance that covers the antenna facility and such insurance coverage must be maintained at all times. Proof of such insurance coverage must be provided to the City at the time application is made for a building permit.
12. Contained on Property: No part of an antenna facility, antennas, or other attachment may extend beyond the property lines or required building lines of the lot on which the antenna or antenna facility is located.
13. State or Federal Requirements: All antenna facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, and if the controlling state or federal agency mandates compliance, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations,

unless a different compliance schedule is mandated by the controlling state or federal agency.

14. Maintenance: Antenna facilities shall be maintained at all times, including, but not limited to, painting, maintaining structural integrity, and landscaping.

15. Removal of Unsafe Antenna Facilities: Antenna facilities that have, due to damage, lack of repair, or other circumstances, become unstable, lean significantly out-of-plumb, or pose a danger of collapse shall be removed or brought into repair within 60 days following notice given by the Building Official. If the antenna facilities are not made safe or removed within 60 days of notification from the City, the City may remove the antenna facilities and place a lien upon the property for the costs of the removal. However, the Building Official may order immediate action to prevent an imminent threat to public safety or property.

16. Abandonment:

(a) At such time as a carrier or owner plans to abandon or discontinue, or is required to discontinue, the operation of an antenna facility, such carrier or owner must notify the City by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

(b) In the event that a carrier or owner fails to give such notice, the antenna facility shall be considered abandoned if the antenna facility is not operated for a continuous period of 12 months, unless the owner of said antenna facility provides proof of continued maintenance on a quarterly basis.

(c) Upon abandonment or discontinuation of use, the person who constructed the facility, the person who operated the facility, carrier, or the property owner shall physically remove the antenna facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to,:

(i) Removal of the antenna(s), mounts, equipment cabinets, security barriers, and foundations down to 3 feet below ground surface;

(ii) Transportation of the antenna(s), mounts, equipment cabinets, security barriers and foundation to an appropriate disposal site; and

(iii) Restoring the site of the antenna facility to its pre-construction condition, except any remaining landscaping and grading.

(d) The owner of the antenna facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition.

(e) If a party as stated in Subsection (c) herein fails to remove an antenna facility in accordance with this Section, the City shall have the authority to enter the subject property and physically remove the antenna facility. Costs for the removal of the antenna facility shall be charged to the landowner of record in the event the City must remove the antenna facility, and the City may place a lien on the property for such costs of removal.

(f) If there are 2 or more carriers/operators of a single tower, then provisions of this Section shall not become effective until all carriers/operators cease using the tower.

(g) Failure to remove an abandoned facility as required by this Section shall constitute a violation and be subject to the penalties prescribed herein.

17. Variance Requirement: A variance granted by the Board of Adjustment, pursuant to [Section XVI](#) of the City's Comprehensive Zoning Ordinance, is required for an antenna or antenna facility which will not comply with the requirements of this Section unless otherwise specified herein.

E. Amateur Radio Antennas and TV Antennas: Amateur radio antennas and TV antennas that are owned and operated by a federally licensed amateur radio operator are allowed in any district. A building permit is required for antenna support structures of 20 feet or more in height.

1. Number of Antenna Facilities Per Lot: No more than one (1) TV antenna and one (1) amateur radio antenna (including antenna facilities) are permitted on each lot. Excluded from this provision are monopoles 4 inches or less in diameter used exclusively to support wire antennas mounted on a pole or mast under 20 feet in height.

2. FCC License: Amateur radio antennas (including antenna facilities) are only permitted for operators that have an amateur radio operator license from the FCC and the operator must provide the City proof of a current FCC license before an amateur radio antenna is installed or maintained on a lot.

3. Height Limitations: No amateur radio antenna (including antenna facilities) may be greater than 50 feet in height. However, the height of such antenna may be increased to 75 feet with the installation of a telescopic or crank-up tower upon the issuance of a Special Use Permit.

4. Antenna Location: Amateur radio antennas (including antenna facilities) and TV antennas can only be located on a roof or in the back yard of a residence. No amateur antenna support structure, antenna or support wires may be located in the required rear or side yard setback. For an amateur radio antenna (including antenna facilities) in excess of 35 feet, the setback from side and rear setback lines must be increased one (1) foot for every foot the height exceeds 35 feet.

For Example: One foot (1') added to the required setback for each foot of antenna over thirty-five feet (35').

5. Design: The bottom section of an antenna support structure may not exceed 48 inches in width. An antenna support structure having a bottom section with a width exceeding 30 inches but not greater than 48 inches must be of a tapered design.

6. Nonconforming Uses: Amateur radio antennas (including antenna facilities), antenna support structures, bases, masts and poles in existence or for which a permit was issued prior to the effective date of this Ordinance shall be considered nonconforming uses and structures subject to the provisions specified in [XIV](#) of this Ordinance.

7. Maintenance; Removal of Unsafe Antennas; Abandonment: The provisions regarding maintenance,

removal of unsafe antennas, and abandonment as set forth in Section (D)(14)–(16) of the General Regulations above apply to amateur radio antennas (including antenna facilities).

F. Satellite Antennas, Less Than One (1) Meter in Diameter: Satellite dish antennas one (1) meter or less in diameter shall be permitted as an accessory use any zoning district. Satellite antennas less than one meter in diameter must comply with the following regulations:

1. Antenna Location: A satellite antenna less than one (1) meter in diameter can only be located on a roof or in the rear yard of a lot.
2. Number of Facilities Per Lot: No more than 3 satellite antennas less than one (1) meter in diameter are permitted on each lot.
3. Height Limitations: A satellite antenna less than one (1) meter in diameter cannot extend more than 8 feet above the maximum height limitation applicable for the zoning district.
4. Setbacks: Satellite antennas less than one (1) meter in diameter are not permitted within any required setback area.

G. Satellite Antennas Greater Than One Meter in Diameter: Satellite antennas greater than one (1) meter in diameter are permitted as accessory uses under the following conditions:

1. Nonresidential Zoning Districts: Satellite antennas greater than one (1) meter in diameter are accessory uses permitted by right in nonresidential zoning districts.
2. Residential Zoning Districts: Satellite antennas greater than one (1) meter in diameter are allowed in residential zoning districts only upon the approval of a Special Exception granted by the Board of Adjustment.
3. Height: Satellite antennas greater than one (1) meter in diameter shall not exceed 10 feet in height above the base of their mount.
4. Location: Satellite antennas greater than one (1) meter in diameter cannot be erected in any required setback or in front of residential structures.
5. Screening: Satellite antennas greater than one (1) meter in diameter that are mounted on the ground shall be screened from view from adjoining properties by solid fencing or evergreen plants to a height of a [at] least 6 feet.

H. Placement of Antenna Facilities: This section does not apply to amateur radio, TV, and satellite receive-only antennas. For the purpose of determining the appropriate locations for the placement of antenna facilities, the City is divided into land use threshold areas that establish different regulations pertaining to height, location, and type of antenna facility. These land use thresholds are defined as follows:

1. Full Commercial (“FC”): Property within the Neighborhood Commercial, Community Commercial, or nonresidential Planned Development zoning districts.

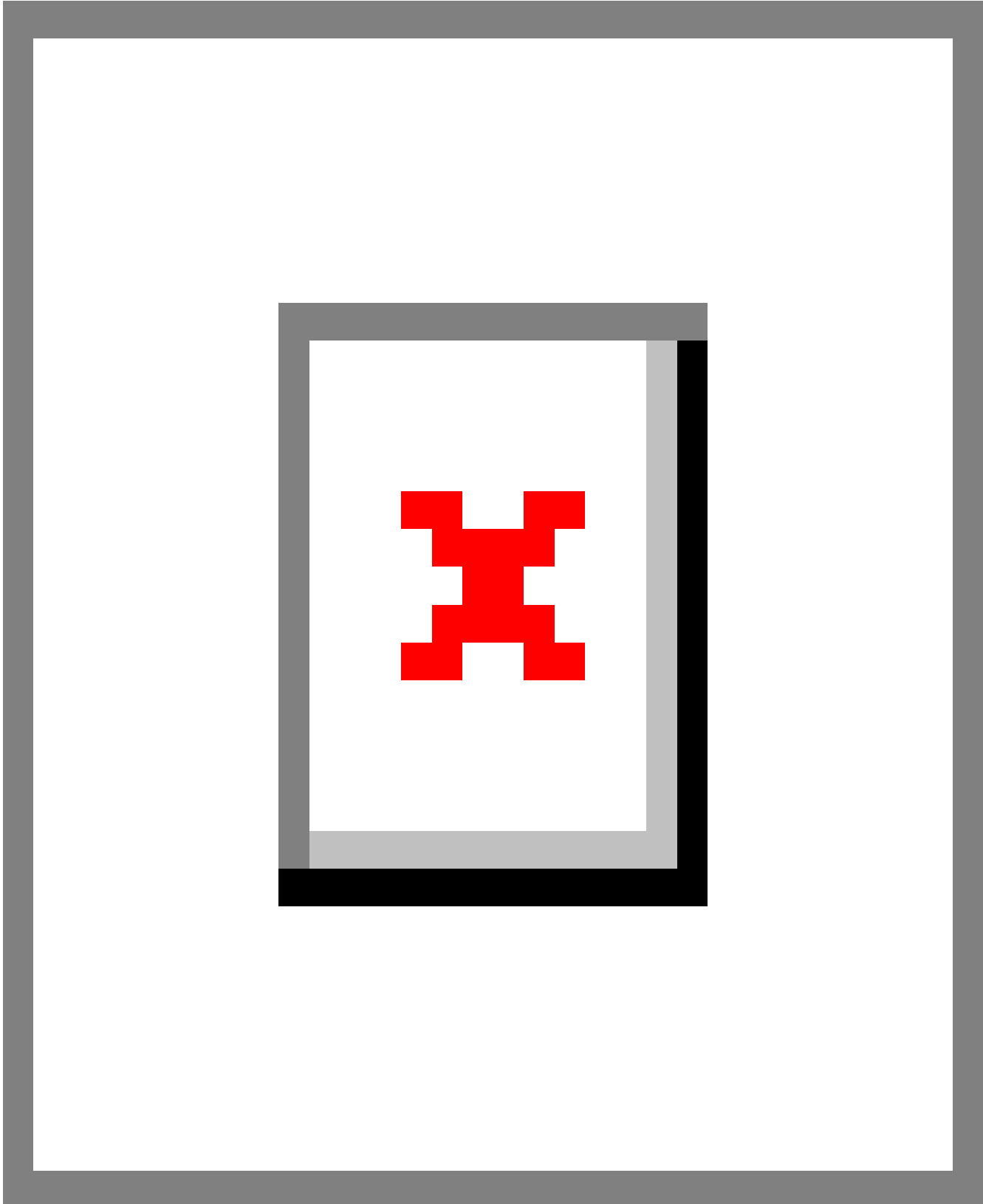
2. Undeveloped Residential (“UR”): Property within the RE-5, RE-3, R1, R2, R3X, R4X, MHRX, or any residentially zoned Planned Development districts, that:
 - a. Is not a part of a recorded subdivision; or
 - b. Is part of a recorded subdivision but has not had a building permit issued for a residential structure; and
 - c. Is not located within the calculated limits of the Developed Residential (“DR”) threshold.
 3. Wireless Corridors (“WC”): Property within, and 150 feet either side of, the right-of-way of a major or minor arterial roadway, as indicated on the City’s Thoroughfare Plan.
 4. Developed Residential (“DR”): Property within the RE-5, RE-3, R1, R2, R3X, R4X, MHRX, or any residentially zoned Planned Development districts, which:
 - a. Is a recorded subdivision that has had at least one building permit for a residential structure; or
 - b. Is within six hundred feet (600') of areas described in paragraph 4a.
 5. City-Owned Property (“COP”): Property owned, leased, or otherwise controlled by City of Oak Point.
- l. Spacing: All antenna facilities constructed shall conform to the minimum antenna facility separation requirements listed below. An antenna mounted on an existing antenna facility or on an alternative tower structure shall be exempt from these minimum separation distances.

Existing Tower Height	Proposed Antenna Facility/Tower Height	
	<50'	50'-120'
<50'	1,000'	1,250'
50'-120'	1,250'	1,500'

J. Antenna Facility Impact Levels: For the purpose of determining appropriate locations for antenna facilities, the City recognizes differing levels of impact for antenna facilities depending upon physical location, aesthetics, and land use compatibility. These Antenna Facility impact levels are described as follows:

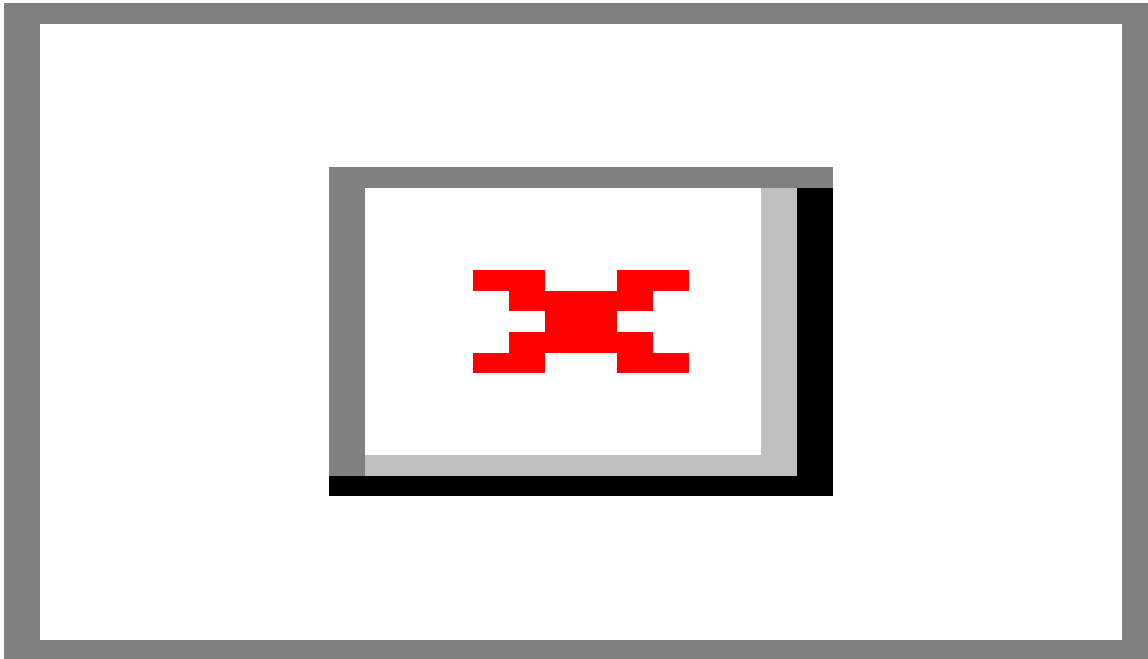
1. Level 3 Stealth Tower: The antenna on a Level 3 Stealth Tower is located on an existing structure (other than a telecommunications tower) including, but not limited to, a building, water tower, utility tower, steeple, or light pole. The antenna is neither screened nor hidden; however, the antenna shall be aesthetically painted, constructed, or applied with material so that it is incorporated into the pattern, style, and material of the structure to effectively render the antenna unnoticeable. For the purpose of this level, a pole or tower may be reconstructed to structurally hold the antenna but the height of the structure cannot be increased.

2. Level 2 Stealth Tower: The antenna on a Level 2 Stealth Tower is attached to the structure in such a manner that if it is seen it appears unrecognizable as an antenna, and the structure in which or on which the antenna is attached is an integral part of an overall development.
3. Level 1 Stealth Tower: The antenna on a Level 1 Stealth Tower is attached to the structure in such a manner that the antenna is completely unseen and the structure in which or on which the antenna is attached is an integral part of an overall development.



- K. Antenna Facility Siting Matrix: Antenna facilities shall be located in accordance with the following Siting Matrix. This matrix provides for areas where antenna facilities may be located as permitted uses,

areas where they may be located with a Special Exception, and areas where they are prohibited. This matrix does not apply to amateur antenna facilities or structures or antenna facilities located on City-owned property.



L. Antennas on City-Owned Property: Antennas owned by entities other than governmental entities may be located on property owned by the City of Oak Point under the following conditions:

1. The antennas and support structures may only be attached to an existing improvement or replace an existing improvement and must follow the requirements of Sections D and I above. The improvement shall be capable of supporting the antenna and any associated equipment and shall not interfere with the use or other operations of the City. For antennas attached to improvements located in rights-of-way, all associated equipment must be less than 30 inches in height, located underground, attached to the support structure itself, or be located in an area outside of the right-of-way.
2. Prior authorization for use of City property must be shown by a franchise, lease, license, permit, or other document duly executed by an authorized City representative and adopted in conformance with all applicable City regulations for the property. The granting of a franchise, lease, license, or permit is at the discretion of the City Council or its authorized designee and must comply with all ordinances.
3. The antennas and any accompanying equipment must comply with all ordinances, rules and regulations.
4. Applications for the location of antenna support structures on property owned, leased, or otherwise controlled by the City of Oak Point, and which comply with the requirements of Subsection 2 above are subject to all applicable ordinances for such structures including, but not limited to Sections D and I above.

M. Special Exception: When a Special Exception is required by this section for the location of an antenna facility or an antenna, the applicant must submit an application in accordance with the procedure established in this Ordinance. Special Exceptions to this section may only be granted by the

Board of Adjustment in accordance with [Section XVI](#) of the City's Comprehensive Zoning Ordinance. No application will be considered until all information is complete.

1. Application: In order to properly evaluate an application to locate an antenna facility or an antenna that requires a Special Exception, the applicant must provide the following information:
 - a. A Special Exception application and appropriate application fee.
 - b. A narrative detailing the proposed antenna facility. The narrative must indicate the following:
 - (1) Whether the proposed structure is a co-location, a new monopole tower or a new alternate mounting structure.
 - (2) The height of the proposed tower and justification therefor.
 - (3) Why the antenna facility is necessary at the proposed location.
 - (4) The separation distance from other towers within a one-mile radius of the proposed tower site.
 - (5) Whether FAA approval is required for the antenna facility.
 - (6) The name(s) of the telecommunications providers or other users of the antenna or tower and describe the use to be made by each user.
 - (7) Whether the applicant has made an effort to co-locate the facilities proposed for this antenna facility on existing antenna facilities in the same general area. Identify the location of these existing sites, and describe in detail these efforts and explain in detail why these existing sites were not feasible.
 - (8) Attach all studies or tests performed which demonstrate why the existing sites will not provide sufficient signal coverage.
 - (9) Provide written documentation from existing sites owners and/or operators which confirm the statements provided.
 - (10) Indicate whether the existing sites allow/promote co-location and, if not, describe why not.
 - (11) Whether co-location will be allowed to other telecommunications providers at the requested site. If they are not allowed, state every reason and the basis of each reason.
 - c. Provide a site plan of the proposed antenna facility at a scale of 1" = 30'. The site plan should be on a single 24" × 36" sheet and include:
 - (1) A survey and legal description of the proposed antenna facility;
 - (2) A detail on how access to the site is to be achieved;
 - (3) A plan view layout of the proposed antenna facility clearly showing:
 - (i) The location of the facility,
 - (ii) All equipment and structures in the proposed antenna facility,
 - (iii) The required off-street parking space,

- (iv) Distances to property lines,
 - (v) Required setbacks,
 - (vi) Adjacent land uses and zoning designations,
 - (vii) Existing structures on the site,
 - (viii) Required landscaping or screening of the base of the tower,
 - (ix) All recorded and proposed easements, and
 - (x) Natural features, such as watercourses and trees.
- d. Elevation drawings showing:
- (1) The design and height of the proposed antenna facility,
 - (2) Detailed drawings of all structures and equipment,
 - (3) Screening requirements, and
 - (4) All requirements specified in Wireless Antenna Facility Special Exception Request Site Plan Checklist.
- e. If the requested location is in a residential district the applicant must provide evidence that they have made an effort to locate the facility in a nonresidential district. Identify the location of these nonresidential district sites, describe in detail these efforts, and explain in detail why these nonresidential sites were not feasible. Attach all studies or tests performed which demonstrate why the nonresidential sites will not provide sufficient signal coverage.
- f. Provide a map showing the proposed provider's current coverage area for the City. The map must show the roadway network and be labeled. The applicant must also provide propagation analysis showing the areas the proposed provider's existing antenna currently covers, the areas the applicant's existing sites and the requested site would cover. The propagation analysis must be labeled and have a legend.
- g. Describe the applicant's master antenna facilities plan for the City. Attach maps and other related documentation. Provide information indicating each phase of the plan.
- h. A report from a professional structural engineer licensed in the State of Texas documenting the following:
- (i) Antenna facility height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design. A cross-section of the antenna facility shall be included.
 - (ii) Total anticipated capacity of the structure, including the number and types of antenna(s) which can be accommodated.
 - (iii) Evidence of the structural integrity of the antenna facility.

(iv) Failure characteristics of the antenna facility and evidence that site and setbacks are of adequate size to contain a failure within the site.

(v) Certification that the antenna facility will meet all applicable FCC, FAA, and local building codes.

i. A letter of intent to lease excess space on the antenna facility and to lease additional excess land on the antenna facility site, if structurally and technically possible.

j. Proof of insurance as required by Section D(11) above.

2. Consideration of Application: In considering whether to grant a Special Exception, the Board of Adjustment shall consider the following:

a. The appropriateness of the location and design of the antenna facility;

b. The potential for interference with the enjoyment of the use of surrounding properties;

c. Aesthetics; Impact, including but not limited to, the surrounding topography, surrounding tree coverage and foliage; proposed buffering; and the design of the antenna facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

d. The proposed height of the antenna facility relative to surrounding structures;

e. The zoning district and the adjoining zoning districts of the property for which Special Exception is sought;

f. The compliance with the City's regulations; and

g. The availability of suitable alternative sites. Suitable alternative site(s) shall mean a location or locations that would provide the same or better signal coverage than the proposed site for which a Special Exception is requested. The applicant shall provide documentation supporting his contention that alternative site(s) are not suitable and/or available.

3. Procedures for Consideration of Special Exception: The procedures for consideration of an application for a Special Exception requested under this section of the ordinance shall be the same as those procedures for a request of a Special Use Permit under [Section V](#) of the Comprehensive Zoning Ordinance.

N. Written Report: Denial of an application for a Special Exception under this section must be documented in writing in accordance with the requirements of the Telecommunications Act of 1996 as amended.

O. Appeal: An applicant may appeal the decision of the Board of Adjustment to the District Court as provided in [Section XVI](#) of the City's Comprehensive Zoning Ordinance.

P. Procedures for Consideration of Special Use Permit: The procedures for consideration of an application for a Special Use Permit requested under this Ordinance shall be as specified in [Section V](#) of the City's Comprehensive Zoning Ordinance.

(Ordinance 2004-11-2, sec. 3, adopted 11/15/04; Ordinance 2005-02-5, sec. 2, adopted 2/21/05)

APPENDIX J. RESERVED

Editor's note—Former appendix J pertaining to the 720 Corridor Overlay District and Development Standards, which derived from Ordinance 2005-08-07, sec. 2, adopted 8/15/05 and Ordinance 2006-03-2, sec. 2, adopted 3/20/06, was repealed in its entirety by Ordinance 2012-10-351, sec. 2, adopted 10/15/12.

APPENDIX K. WIND ENERGY SYSTEMS

1. Purpose: The purpose of the City of Oak Point's Wind Energy Systems Regulations is to promote the safe, effective and efficient use of Wind Energy Systems installed for on-site production and consumption of electricity[.]

2. Definitions: In this section the following definitions apply:

ANSI means the American National Standards Institute.

dB(A) means the sound pressure level in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Decibel means the unit of measure used to express the magnitude of sound pressure and sound intensity.

Sound Pressure means the average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Tower Height shall mean the height above grade of the fixed portion of the tower, including the wind turbine and blades.

Turbine shall mean the parts of a Wind Energy System including the blades, generator and tail.

Utility Grid Wind Energy System shall mean a Wind Energy System designed and built to provide electricity to the electric utility grid.

Wind Energy System or System shall mean a wind energy conversion system that converts wind energy into electricity through the use and consisting of a wind turbine, a tower, and associated control or conversion electronics, that has a rated capacity of not more than 20 kw for residential systems and not more than 100 kw for commercial systems and is intended for on-site production and consumption of electricity to serve the needs of the consumer.

3. Special Use Permit. Wind Energy Systems shall be permitted by special use permit in all zoning classifications where structures of any sort are allowed, subject to the regulations set forth in this Appendix. The procedures for consideration of an application for a Special Use Permit shall be as specified in [Section V](#) of the City's Comprehensive Zoning Ordinance.

4. General Regulations. The following general regulations apply to all Wind Energy Systems located

within any district. Pre-existing Wind Energy Systems lawfully in existence at the time of the enactment of this Appendix shall not be required to meet the requirements established herein, other than those contained in Subsections (r), (s) and (t) below.

- (a) Utility Grid Wind Energy Systems. Utility Grid Wind Energy Systems are prohibited within the City.
- (b) Building Permit Required. A building permit must be obtained prior to the construction or installation of a Wind Energy System. An application for building permit must be accompanied by:
 - (1) The appropriate permit fee as established in the City's [Fee Schedule](#);
 - (2) A professional fee escrow deposit of \$1,000.00 pursuant to Section 3.901 [\[3.01.001\]](#) of the Code of Ordinances.
 - (3) A site plan of the proposed Wind Energy System at a scale of 1" = 30'. The site plan should be on a single 24" x 36" sheet and include:
 - (i) A survey and legal description of the proposed Wind Energy System;
 - (ii) A plan view layout of the proposed Wind Energy System clearly showing:
 - The location of the System;
 - All components of the System;
 - Distances to property lines;
 - Required setbacks;
 - Adjacent land uses and zoning designations;
 - Existing structures on the site;
 - Required landscaping or screening of the base of the tower structure; and
 - Natural features such as watercourses and trees.
 - (4) Elevation drawings showing:
 - The design and height of the proposed Wind Energy System;
 - Detailed drawings of all System components; and
 - Screening requirements.
 - (5) A line drawing of the electrical components of the System in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information is frequently supplied by the manufacturer;
 - (6) Standard installation drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer registered in the State of Texas shall also be submitted. This analysis is frequently supplied by the manufacturer. Wet stamps shall not be required.

- (7) Evidence of notice to utility company as required by Subsection (k) [(l)] below.
- (8) Proof of insurance coverage as required in Subsection (o) [(p)] below.
- (c) Construction Standards. A Wind Energy System must be installed according to the manufacturer's recommendations and under the seal of a professional engineer registered in the State of Texas. Additionally, all components of a Wind Energy System shall comply with applicable state and local building codes.
- (d) Maximum Height. The tower height shall not exceed 40 feet. Additionally, no tower height shall exceed the tower height recommended by the manufacturer or the distributor of the Wind Energy System[.]
- (e) Location and Setback. The tower structure of a Wind Energy System must be at least 40 feet from any primary structure and may be no closer to the property line than the highest point of the system, including the maximum height of any blades when attached thereto. No part of the Wind Energy System, including blades or guy wire anchors, may extend closer than 10 feet to property line or within any required yard setback.
- (f) Primary Structure Required on Lot. A Wind Energy System may be erected on a lot only after a primary structure has been constructed on the lot.
- (g) Sound Pressure Levels. Sound Pressure Levels shall not exceed 50 decibels (dBA) between the hours of 7:00 a.m. and 10:00 p.m. and 35 decibels (dBA) between the hours of 10:00 p.m. and 7:00 a.m. as measured from the property line closest to the Wind Energy System.
- (h) Lights. All lighting not required by the FAA is prohibited. When obstruction lighting is required by the FAA, such lighting shall not exceed the minimum requirements of said agency. A tower structure may be artificially lighted ONLY with steady-burning red obstruction lights (FAA type L-810) or flashing red obstruction lights (FAA type L-864) flashing no faster than 20 flashes per minute. Flashing red obstruction lights (FAA type L-864) flashing faster than 20 flashes per minute, medium intensity flashing white obstruction lights (FAA type L-865 or L-866), high intensity flashing white lights (FAA type L-856 or L-857) or dual flashing red obstruction lights and medium intensity flashing white obstruction lights (FAA types L-864/L-865) may be used ONLY when the FAA specifies that the specific lighting pattern is the ONLY lighting pattern acceptable to promote aviation safety and refuses applicant's request for authorization to use the lighting required by the City herein. Upward lighting, floodlights or other lighting not strictly required by the FAA is prohibited.
- (i) Signs. No advertising or other signs shall be allowed on a Wind Energy System.
- (j) Prohibited in Easements. No portion of a Wind Energy System shall be placed in easements unless authorized by the easement holder.
- (k) Screening. A Wind Energy System shall be screened from view from adjoining properties by solid fencing or evergreen plants to a height of at least six (6) feet.

- (l) Notice to utility company on grid-interconnected systems. No grid-interconnected Wind Energy System shall be installed until evidence has been given that the appropriate utility company has been informed of the customer's intent to install a grid-connected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (m) City Building Codes/Safety Standards. To ensure the structural integrity of a Wind Energy System, the owner of such System must ensure that it is maintained in compliance with all provisions of the City of Oak Point's building code and zoning regulations. If, upon inspection, the City concludes that a Wind Energy System fails to comply with such codes and regulations and/or constitutes a danger to persons or property, then upon written notice to the owner of the Wind Energy System, the owner shall have thirty (30) calendar days to bring such System into compliance with applicable standards. Failure to bring such System into compliance shall constitute grounds for the removal of the Wind Energy System at the owner's expense. This notice requirement shall not preclude immediate action by the Building Official as allowed by law if public safety requires such action.
- (n) Compliance with National Electric Code. Building permit applications for Wind Energy Systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
- (o) Certification by engineer. The application shall include a standard drawing and engineer analysis of the system's tower, and certification by a professional mechanical, structural, or civil engineer.
- (p) Insurance Required. Owners of any Wind Energy System must provide a minimum amount of \$300,000 liability insurance that covers the wind turbine and all other Wind Energy System components, and such insurance coverage must be maintained at all times. Proof of such insurance coverage must be provided to the City at the time application is made for a building permit.
- (q) Contained on Property. No part of a Wind Energy System may extend beyond the property lines or required building lines of the lot on which the Wind Energy System is located.
- (r) State or Federal Requirements. All Wind Energy Systems must meet or exceed current standards and regulations of the FAA and any other agency of the state or federal government with the authority to regulate Wind Energy Systems. If such standards and regulations are changed, and if the controlling state or federal agency mandates compliance, then the owners of the Wind Energy System governed by this Ordinance shall bring such Wind Energy System into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.
- (s) Maintenance. A Wind Energy System shall be maintained at all times, including, but not limited to, painting, fencing, maintaining structural integrity, and landscaping.
- (t) Removal of Unsafe Wind Energy System. Wind Energy Systems that have, due to damage, lack of repair, or other circumstances, become unstable, lean significantly out-of-plumb, or pose a danger of collapse shall be removed or brought into repair within 60 days following notice given by the Building

Official. If the Wind Energy System is not made safe or removed within 60 days of notification from the City, the City may remove the Wind Energy System and place a lien upon the property for the costs of the removal. However, the Building Official may order immediate action to prevent an imminent threat to public safety or property.

(u) Abandonment.

(1) At such time as an owner plans to abandon or discontinue, or is required to discontinue, the operation of a Wind Energy System, such owner must notify the City by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

(2) In the event that an owner fails to give such notice, the Wind Energy System shall be considered abandoned if the Wind Energy System is not operated for a continuous period of twelve (12) months, unless the owner of said Wind Energy System provides proof of continued maintenance on a quarterly basis.

(3) Upon abandonment or discontinuation of use, the person who constructed the Wind Energy System or the person who operated the Wind Energy System or the property owner shall physically remove the Wind Energy System within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

(i) Removal of the tower, turbine and all other components of the Wind Energy System;

(ii) Transportation of the tower, turbine and all other components of the Wind Energy System to an appropriate disposal site;

(4) The owner of the Wind Energy System shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition.

(5) If a party as stated in Subsection (3) herein fails to remove a Wind Energy System in accordance with this Section, the City shall have the authority to enter the subject property and physically remove the Wind Energy System. Costs for the removal of the Wind Energy System shall be charged to the landowner of record in the event the City must remove the Wind Energy System, and the City may place a lien on the property for such costs of removal.

(6) Failure to remove an abandoned Wind Energy System as required by this Section shall constitute a violation and be subject to the penalties prescribed herein.

(Ordinance 2007-02-03, sec. 2, adopted 2/19/07)